

# ARIZONA REVISED STATUTES (A.R.S.)

## CHAPTER 8. CHILDREN

### **§ 8-230.02. Juvenile probation fund; program and contract requirements**

A. The juvenile probation fund is established. The supreme court shall administer the fund. Monies in the juvenile probation fund are exempt from the provisions of § 35-190, relating to lapsing of appropriations.

B. The supreme court shall allocate monies in the fund or appropriated to the superior court's juvenile probation services fund line based on its determination of the need for and probable effectiveness of each plan submitted pursuant to this article. The supreme court shall require that the presiding juvenile court judge submit in accordance with rules of the supreme court a plan for the expenditure of monies allocated to the juvenile court pursuant to this section. The supreme court may reject a plan or a modification of a plan submitted pursuant to this subsection.

C. Monies shall be used to fund programs, the participation in which a juvenile probation officer has required as a condition precedent to adjustment of a delinquency complaint or a complaint or citation alleging an alcohol offense pursuant to § 8-230.01 to reduce the number of repetitive juvenile offenders and to provide services, including treatment, testing, independent living programs and residential, foster and shelter care, for children referred to the juvenile court for incorrigibility or delinquency offenses. Monies may be used to provide the cost of care for persons under the age of twenty-one who were placed in an independent living program or in foster care before the age of eighteen, who voluntarily remain in such care and who are currently enrolled in and regularly attending any high school or certificate of equivalency program. Pursuant to § 8-241, subsection M, monies may also be used to provide services for persons who are under twenty-one years of age and who voluntarily participate in treatment. Except pursuant to § 8-241, subsection M, the cost of care shall not be continued for a person who has received a high school diploma or certificate of equivalency. These services shall be approved by the supreme court. The juvenile court may develop and staff such programs, or the supreme court may enter into the purchase of service contracts with community youth serving agencies.

D. The monies shall be use to supplement, not supplant, funding to the juvenile court by the county.

E. The supreme court shall contract for a periodic evaluation to determine if the provisions of this article reduce the number of repetitive juvenile offenders. The supreme court shall send a copy of the evaluation to the speaker of the house of representatives, the president of the senate and the governor.

F. A contract entered into between the supreme court and any contract provider to provide services pursuant to this section to juveniles shall provide that personnel who are employed by any contract provider, whether paid or not, and who are required or allowed to provide services directly to juveniles shall be fingerprinted as a condition of employment. The contract shall further

provide that the contractor shall submit employee fingerprints to the supreme court or its designated agency prior to performance of any job duties by the employee which require or allow the employee to provide services directly to juveniles without supervision.

G. Fingerprint checks shall be conducted pursuant to § 41-1750, subsection G.

H. The contractor shall assume the costs of fingerprint checks and may charge these costs to its fingerprinted personnel.

I. Personnel who are employed by any contract provider, whether paid or not, and who are required or allowed to provide services directly to juveniles shall certify on forms provided by the supreme court and notarized whether they are awaiting trial on or have ever been convicted of any of the following criminal offenses in this state or similar offenses in another state or jurisdiction:

1. Sexual abuse of a minor.
2. Incest.
3. First or second degree murder.
4. Kidnapping.
5. Arson.
6. Sexual assault.
7. Sexual exploitation of a minor.
8. Contributing to the delinquency of a minor.
9. Commercial sexual exploitation of a minor.
10. Felony offenses involving distribution of marijuana or dangerous or narcotic drugs.
11. Burglary.
12. Robbery.
13. A dangerous crime against children as defined in § 13-604.01.
14. Child abuse.
15. Sexual conduct with a minor.
16. Molestation of a child.

17. Manslaughter.
18. Aggravated assault.

J. Personnel who are employed by any contract provider, whether paid or not, and who are required or allowed to provide services directly to juveniles shall certify on forms provided by the supreme court and notarized whether they have ever committed any act of sexual abuse of a child, including sexual exploitation and commercial sexual exploitation, or any act of child abuse.

K. Every service contract with any contract provider which involves the employment of persons who have contact with juveniles shall provide that the contract may be cancelled or terminated if the fingerprint check or the certified form of any person who is employed by a contract provider, whether paid or not, and who is required or allowed to provide services directly to juveniles discloses that the person has committed any act of sexual abuse of a child, including sexual exploitation or commercial sexual exploitation, or any act of child abuse or that the person has been convicted of or is awaiting trial on any of the following criminal offenses in this state or similar offenses in another state or jurisdiction:

1. Sexual abuse of a minor.
2. Incest.
3. First or second degree murder.
4. Sexual assault.
5. Sexual exploitation of a minor.
6. Commercial sexual exploitation of a minor.
7. A dangerous crime against children as defined in § 13-604.01.
8. Child abuse.
9. Sexual conduct with a minor.
10. Molestation of a child.

L. The contractor may avoid termination of the contract if the person whose fingerprints or certification form shows that he has been convicted of or is awaiting trial on any of the offenses listed in subsection K of this section or has committed any of the acts listed in subsection J of this section is immediately prohibited from employment or service with the contractor in any capacity requiring or allowing contact with juveniles.

M. Every service contract with any contract provider which involves the employment of persons who have contact with juveniles shall contain a provision that the contract may be

cancelled or terminated if the fingerprint check or the certified form of any person, whether paid or not, who is required or allowed to provide services to juveniles without supervision and who is employed by a contract provider discloses that the person has been convicted of or is awaiting trial on any of the following criminal offenses in this state or similar offenses in another state or jurisdiction:

1. Arson.
2. Contributing to the delinquency of a minor.
3. Felony offenses involving distribution of marijuana or dangerous or narcotic drugs.
4. Burglary.
5. Robbery.
6. Kidnapping.
7. Manslaughter.
8. Aggravated assault.

N. The contractor may avoid termination of the contract if the person whose fingerprints or certification form shows that he has been convicted of or is awaiting trial on an offense or similar offense as listed in subsection M of this section is immediately prohibited from employment or service with the contractor in any capacity requiring or allowing the person to provide services directly to juveniles without supervision or unless the person has been granted an exception for good cause pursuant to the requirements and procedures of § 41-1954.01. The supreme court may, in its sole discretion, determine whether to submit the application to the director of the department of economic security for review.

O. The requirements of subsections F through M of this section do not apply to personnel who are employed by a contract provider that has a contract for services to juveniles with or is licensed or certified by the department of health services, the department of juvenile corrections or the department of economic security and who have been fingerprinted and submitted the required certification form in connection with that employment. Federally recognized Indian tribes or military bases may submit and the supreme court shall accept certifications that state that no personnel who are employed or who will be employed during the contract term and who provide services directly to juveniles have been convicted of, have admitted committing or are awaiting trial on any offense under subsection I or K of this section.

P. Adult clients of a contract provider who are receiving treatment services are exempt from the requirements of this section, unless they provide services directly to juveniles without supervision.

Q. Volunteers who provide services to juveniles under the direct visual supervision of the contractor's or licensee's employees are exempt from the fingerprinting requirements of this section.

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## CHAPTER 15. EDUCATION

### § 15-1182. Voucher fund; administration

A. There is established a special education placement and residential education voucher fund which shall consist of legislative appropriations.

B. The fund shall be administered by the superintendent of public instruction for the purposes provided in this article.

C. Each fiscal year the state board of education shall include in its budget request for assistance to schools a separate line item for the special education placement and residential education voucher fund.

D. The special education placement and residential education voucher fund shall provide monies for the education of a child who has been placed in a residential facility by a state placing agency or who requires a residential special education placement as defined in § 15-761.

E. If a child has been placed in a residential facility by a state placing agency, the special education placement and residential education voucher fund shall provide monies for the following types of vouchers:

1. Initial residential education vouchers to fund the educational costs for any child, whether or not eligible for special education. This paragraph applies to a child who has been placed in a residential facility and who has either not received a comprehensive education evaluation as provided in § 15-766, who has previously received such an evaluation and was determined to be ineligible for special education services or who is eligible for special education and for whom necessary procedures for changing the child's educational placement must be completed. This voucher expires on the expiration of sixty calendar days or completion of the educational evaluation or review of special education placement, whichever occurs first.

2. Continuing residential education vouchers that fund the educational costs for any child, whether or not eligible for special education, who requires placement in a residential facility after the expiration of the initial education voucher and who is not eligible for a residential special education voucher.

F. When a school district makes a residential special education placement, the special education placement and residential education voucher fund shall provide monies to fund the residential special education placement.

G. Monies in the special education placement and residential education voucher fund are exempt from the provisions of § 35-190 relating to lapsing of appropriations. Any monies left

unexpended may be distributed to school districts by the department of education for the following purposes:

1. To provide educational counseling, training and support services to a child with a disability in order to maintain the child's educational placement in the least restrictive environment.
2. To provide educational transition assistance to children who return to their home after placement in a residential facility.
3. To train personnel for and develop and implement model programs for use by school districts to serve children with emotional disabilities.

H. The total amount of state monies that may be spent in any fiscal year by the superintendent of public instruction for the purposes of this article shall not exceed the amount appropriated or authorized by § 35-173 for that purpose. This article shall not be construed to impose a duty on an officer, agent or employee of this state to discharge a responsibility or to create any right in a person or group if the discharge or right would require an expenditure of state monies in excess of the expenditure authorized by legislative appropriation for that specific purpose.