



Arizona State Board of Education
Certification Enforcement Advisory Ad Hoc
Committee

NOTICE OF PUBLIC MEETING

Pursuant to Arizona Revised Statutes (A.R.S.) 38-431.02, notice is hereby given to members of the State Board of Education Certification Enforcement Advisory Ad Hoc Committee, and to the general public, that the Committee will hold a meeting open to the public on **Monday, November 28, 2016 at 11:00 a.m. at Arizona Department of Education, Room 122**, 1535 W. Jefferson, Phoenix, Arizona 85007. A copy of the agenda is attached. The Committee reserves the right to change the order of items on the agenda, with the exception of public hearings. One or more Committee members may participate telephonically.

Pursuant to A.R.S. §38-431.02 (H), the Committee may discuss and take action concerning any matter listed on the agenda.

Pursuant to A.R.S. § 38-431.03(A)(3), the Committee may vote to convene in executive session, which will not be open to the public, for legal advice concerning any item on the agenda.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the State Board Office at (602) 542-5057. Requests should be made as early as possible to allow time to arrange the accommodation.

DATED AND POSTED this 22nd day of November, 2016.

By: _____

Dr. Karol Schmidt
Executive Director
(602) 542-5057

AGENDA

CERTIFICATION ENFORCEMENT ADVISORY AD HOC COMMITTEE
November 28, 2016
11:00 a.m.
Arizona Department of Education, Room 122
1535 W. Jefferson
Phoenix, AZ 85007

11:00 a.m. CALL TO ORDER AND ROLL CALL

1. CALL TO THE PUBLIC: This is the time for the public to comment. Members of the Committee may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
2. Presentation, discussion and consideration to recommend changes to Board rule R7-2-1304 regarding notification of investigations.
3. Presentation, discussion and consideration to recommend changes to Board rule R7-2-1308 regarding unprofessional and immoral conduct.
4. Presentation, discussion and consideration to recommend legislation regarding reciprocal imposition of discipline for educator certificates.
5. Presentation, discussion and consideration to recommend changes to Board rule R7-2-1307 regarding revocation of educator certificates for a felony conviction.
6. FUTURE MEETING DATES AND ITEMS FOR FUTURE AGENDAS. The executive director or a member of the Committee may discuss future meeting dates and direct staff to place matters on a future agenda.

Adjourn

R7-2-1304. Notification; Investigation

The certificated individual shall have 15 days from receipt of the complaint notice of investigation to file a response with the Board.

DRAFT

R7-2-1308. Unprofessional and Immoral Conduct

A. Individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall:

1. Make reasonable efforts to protect pupils from conditions harmful to learning, health, or safety;
2. Account for all funds collected from pupils, parents, or school personnel;
3. Adhere to provisions of the Uniform System of Financial Records related to use of school property, resources, or equipment; and
4. Abide by copyright restrictions, security, or administration procedures for a test or assessment.

B. Individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall not:

1. Discriminate against or harass any pupil or school employee on the basis of race, national origin, religion, sex, including sexual orientation, disability, color or age;
2. Deliberately suppress or distort information or facts relevant to a pupil's academic progress;
3. Misrepresent or falsify pupil, classroom, school, or district-level data from the administration of a test or assessment;
4. Engage in a pattern of conduct for the sole purpose or with the sole intent of embarrassing or disparaging a pupil;
5. Use professional position or relationships with pupils, parents, or colleagues for improper personal gain or advantage;
6. Falsify or misrepresent documents, records, or facts related to professional qualifications or educational history or character;
7. Assist in the professional certification or employment of a person the certificate holder knows to be unqualified to hold a position;
8. Accept gratuities or gifts that influence judgment in the exercise of professional duties;
9. Possess, consume, or be under the influence of alcohol on school premises or at school-sponsored activities;
10. Illegally possess, use, or be under the influence of marijuana, dangerous drugs, or narcotic drugs, as each is defined in A.R.S. § 13-3401;

11. Make any sexual advance towards a pupil or child, either verbal, written, or physical;
12. Engage in sexual activity, a romantic relationship, or dating of a pupil or child;
13. Submit fraudulent requests for reimbursement of expenses or for pay;
14. Use school equipment to access pornographic, obscene, or illegal materials; or
15. Engage in conduct which would discredit the teaching profession.

C. Individuals found to have engaged in unprofessional or immoral conduct shall be subject to, and may be disciplined by, the Board.

D. Procedures for making allegations, complaints, and investigation of unprofessional or immoral conduct shall be as set forth in this Article.

E. Application forms and certificates shall include the rules and statutes related to unprofessional and immoral conduct, including resignation from a contracted position without authorization and duties to report as required by law.

F. Individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq shall certify:

1. that they have read and understood the rules and statutes related to unprofessional and immoral conduct, including resignation from a contracted position without authorization and duties to report as required by law.
2. whether they have been disciplined or are under investigation in another state for engaging in conduct that is immoral or unprofessional.

A.R.S. § 15-534.04. Reciprocal Discipline

A. A final adjudication in another jurisdiction that a certificated individual has been found to have engaged in unprofessional or immoral conduct shall establish conclusively the misconduct for purposes of a discipline proceeding in this state.

B. An applicant who has received discipline in another jurisdiction for unprofessional or immoral conduct shall successfully complete the terms of that discipline prior to seeking a certificate in this state.

C. Upon notification that a certificated individual has had an educator certificate revoked in another jurisdiction, the Board shall revoke the certificate issued in this state.

A.A.C. R7-2-1307. Criminal Offenses; Nonreviewable

A. The Board shall revoke, not issue, or not renew the certification of a person who has been convicted of or admitted in open court or pursuant to a plea agreement committing any of the following criminal offenses in this state or similar offenses in another jurisdiction:

1. Sexual abuse of a minor;
2. Incest;
3. First-degree murder;
4. Second-degree murder;
5. Manslaughter;
- ~~4.~~ 6. Sexual assault;
- ~~5.~~ 7. Sexual exploitation of a minor;
- ~~6.~~ 8. Commercial sexual exploitation of a minor;
- ~~7.~~ 9. A dangerous crime against children as defined in A.R.S. § 13-604.01;
- ~~8.~~ 10. Armed robbery
11. Aggravated assault
- ~~9.~~ 12. Sexual conduct with a minor;
- ~~10.~~ 13. Molestation of a child;
- ~~14.~~ 14. Exploitation of minors involving drug offenses.

B. Upon notification that a certificated individual has been convicted of a nonreviewable offense, the Board shall revoke the certificate.