



Arizona State Board of Education

1700 W. Washington Street
Executive Tower, Suite 300
Phoenix, Arizona 85007
Phone: (602) 542-5057
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Educator Discipline Guidance on HB 2023 (Laws 2021, Chapter 2) September 29, 2021

Below is information and guidance for schools and the public regarding [HB 2023 \(Laws 2021, Chapter 2\)](#). Please note that the legislation becomes effective *September 29, 2021*.

Non-certificated Persons

HB 2023 subjects non-certificated persons to the same disciplinary process, requirements and prohibitions as certificated educators. This means schools have an obligation to report [immoral or unprofessional conduct](#) of non-certificated educators to the [Board's Investigative Unit](#) just as they have an obligation to report that conduct for certificated educators.

Who is a Non-Certificated Person

A non-certificated person meets all of the following criteria:

- An employee of a school district or charter school;
- Does not possess an Arizona educator certificate; and
- Is required or allowed to provide services directly to pupils without being supervised by a certificated employee.

Supervision means “being under the direction of and, except for brief periods of time during a school day or school activity, within sight of a certificated employee when providing direct services to pupils” (A.R.S. § 15-512).

This means that teachers, coaches and administrators who do not possess a certificate **do** fall under this definition. Other employees who do not possess a certificate **do** fall under this definition if they provide services directly to pupils without the supervision of a certificated employee.

Who is not a Non-Certificated Person

Non-certificated persons are *not*:

- Transportation employees (i.e. bus drivers),
- Food service employees or contractors,
- Maintenance workers, or
- Any employee or contractor not required to possess a fingerprint clearance card (FCC).



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In other words, if the non-certificated person is alone with students, and does not meet one of the exempted groups above, schools have an obligation to report misconduct and the non-certificated person is subject to investigation and discipline by the Board.

If you have questions, please contact the Investigative Unit at investigation@azsbe.az.gov.

Reporting Immoral or Unprofessional Conduct

The Board is accepting complaints against non-certificated persons beginning September 29, 2021; the effective date of the legislation. The Board continues to accept complaints against certificated educators.

For information on how to report misconduct, please go to: <https://azsbe.az.gov/educator-discipline/>. The Investigative Unit can be reached at investigation@azsbe.az.gov.

Prohibitions on Hiring

Schools are prohibited from employing an individual who has surrendered their certificate or who has had their certificate suspended or revoked by the Board, unless it has been subsequently reinstated. Schools are also prohibited from employing any non-certificated person in a position that requires a valid FCC if the Board has disciplined the educator. A Letter of Censure issued by the Board does *not* prohibit employment at a school.

Publicly available information:

AZ State Board of Education Discipline Search tool –

<https://azsbe.az.gov/teacher-certification-ppac/discipline-search>

OACIS public portal –

<https://oacis.azed.gov/PublicOACIS/NormalPages/Educators.aspx>

District, Charter or Local Education Agency access only:

Teacher Input Application: LEA Support Guide -

https://www.azed.gov/sites/default/files/2021/09/FY22_TIA-guidance_FINAL_Release.pdf

<https://www.ade.az.gov/CommonLogon/logon.aspx>

Micro training on this webpage under the TIA accordion tab –

<https://www.azed.gov/title/sample-page/title-ii-a>

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Information Sharing

In addition to sharing information with schools that have an employee under contract, HB 2023 also allows the Board to share information, records or reports relating to the investigation of a certified or non-certificated person with the following:

- Any school to which the person has applied for employment;
- Any 3rd party that contracts with a school to provide educators and to which the person has applied for employment;
- Any state agency that is investigating an application or that is conducting an investigation of the person in order to make a certification or licensure decision; and
- Any other state education agency in a state in which the person holds a certificate or is applying for certification.

To request information, records or reports relating to an investigation, email your request to investigation@azsbe.az.gov. Please note that the Board is not required to share information and may decide to withhold it if it is legally required to do so or if it is in the best interests of the state or student safety.

Submitting List of Educators

School districts and charter schools are required to submit annually to the Arizona Department of Education (ADE) lists of certificated and non-certificated educators. Most schools have been submitting this data to ADE through the Teacher Input Application (TIA).

Teacher Input Application: LEA Support Guide -

https://www.azed.gov/sites/default/files/2021/09/FY22_TIA-guidance_FINAL_Release.pdf

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More Information

If you have any questions pertaining to this document, please email the State Board of Education at inbox@azsbe.az.gov. The Board will host two webinars on implementation of HB 2023. Please register below to attend:

- October 5, 2021 at 3:00 P.M.:
https://us02web.zoom.us/webinar/register/WN_PfqQpJ11T1yH5T_qMj5XPA
- October 7, 2021 at Noon:
https://us02web.zoom.us/webinar/register/WN_L_Sk682DTUuPscXc5C58OA

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