

R7-2-1307. Criminal Offenses

A. The Board shall prohibit a noncertificated individual's employment at a school district or charter school, or revoke, not issue, or not renew the certification(s) of a ~~person~~ certificated individual, who has been convicted of committing or attempting, soliciting, facilitating, or conspiring to commit any of the following criminal offenses in this state or similar offense(s) in another jurisdiction:

1. Sexual abuse of a minor;
2. Incest;
3. First-degree murder;
4. Second-degree murder;
5. Manslaughter;
6. Sexual assault;
7. Sexual exploitation of a minor;
8. Commercial sexual exploitation of a minor;
9. A dangerous crime against children;
10. Armed robbery;
11. Aggravated assault;
12. Sexual conduct with a minor;
13. Molestation of a child;
14. Exploitation of minors involving drug offenses;
15. Sexual abuse of a vulnerable adult;
16. Sexual exploitation of a vulnerable adult;
17. Commercial sexual exploitation of a vulnerable adult;
18. Child sex trafficking;
19. Child abuse;
20. Abuse of a vulnerable adult;
21. Molestation of a vulnerable adult;
22. Taking a child for the purpose of prostitution;
23. Neglect or abuse of a vulnerable adult;
24. Sex trafficking;
25. Sexual abuse;
26. Production, publication, sale, possession and presentation of obscene items;
27. Furnishing harmful items to minors;
28. Furnishing harmful items to minors by internet activity;
29. Obscene or indecent telephone communications to minors for commercial purposes;
30. Luring a minor for sexual exploitation;
31. Enticement of persons for purposes of prostitution;
32. Procurement by false pretenses of person for purposes of prostitution;
33. Procuring or placing persons in a house of prostitution;
34. Receiving earnings of a prostitute;
35. Causing one's spouse to become a prostitute;
36. Detention of persons in a house of prostitution for debt;
37. Keeping or residing in a house of prostitution or employment in prostitution;

38. Pandering;
 39. Transporting persons for the purpose of prostitution, polygamy and concubinage;
 40. Portraying adult as a minor;
 41. Admitting minors to public displays of sexual conduct;
 42. Unlawful sale or purchase of children;
 43. Child bigamy;~~or~~
 44. Trafficking of persons for forced labor or services;
 45. Kidnapping; or
 46. Child enticement.
- B. Upon notification by the clerk of the court, magistrate, or court of competent jurisdiction, the Board shall immediately and permanently prohibit a noncertificated individual's employment at a school district or charter school or revoke the certificate(s) of a person certificated individual who has been convicted of any of the following offenses:
1. A dangerous crime against children as defined in A.R.S. § 13-705;
 2. Sexual abuse as prescribed in A.R.S. § 13-1404 in which the victim was a minor;
 3. Sexual assault as prescribed in A.R.S. § 13-1406 in which the victim was a minor;
 4. Sexual conduct with a minor as prescribed A.R.S. § 13-1405;
 5. A preparatory offense as prescribed in A.R.S. § 13-1001 of any of the offenses prescribed in paragraphs one through four of this subsection;
 6. Any crime that requires the person to register as a sex offender; or
 7. An act committed in another state or territory that if committed in this state would have been one of the offenses listed in paragraphs one through six of this subsection.
- C. If the Board takes disciplinary action against a noncertificated individual or, does not issue, does not renew, or revokes a certificate(s) due to a person's conviction or admission of an offense listed in subsection (A), but which is not an offense listed in subsection (B), the notice of non-issuance, non-renewal, or revocation shall inform the person of that person's right to request a hearing within 20 days of service of the notice subject to the conditions set forth in subsection (D).
- ~~D. The Board shall prohibit from employment at a public school a noncertificated individual who has been convicted of committing or attempting, soliciting, facilitating or conspiring to commit any of the criminal offenses in this state or similar offenses in another jurisdiction listed in subsections (A)(1) through (44).~~
- ~~E. Upon notification by the clerk of the court, magistrate or court of competent jurisdiction, the Board shall immediately and permanently prohibit a noncertificated individual from employment at a public school if the individual has been convicted of any offense listed in subsection B(1)(7).~~
- F. D. Notwithstanding subsection (A), the Board may allow a noncertificated individual to be employed at a school district or charter school or may issue, renew, or not revoke the certificate(s) of a person who has been convicted of an offense(s) listed in subsection (A), but which is not an offense listed in subsection (B), if, at a hearing before the PPAC held pursuant to Article 7, the PPAC finds that at least one of the following conditions is met:

1. The individual was previously reviewed, investigated, or disciplined by the Board for the conviction(s) prior to the implementation of R7-2-1307 on March 27, 2019; or
 2. The individual has provided evidence consisting of certified copies of police reports, court orders, or other official records related to the conviction(s) that demonstrate that all of the following are true:
 - i. The criminal offense(s) did not involve a minor and
 - ii. The criminal offense(s) was originally a misdemeanor or reduced to a misdemeanor or the judgment of guilt has been set aside, vacated, expunged, or pardoned.
- G. E. At the hearing described in subsection (D), the individual shall present, and the PPAC shall consider evidence that the individual meets the conditions set forth in subsection (D). PPAC shall also consider mitigating and aggravating factors surrounding the conviction(s) at issue, factors bearing on the individual's fitness as an educator, other allegations of unprofessional or immoral conduct, or any other criminal activity.
- H. F. The criminal offenses set forth in subsection (A) constitute immoral or unprofessional conduct in addition to the acts set forth in R7-2-1308.

R7-2-1309. Summary Suspension

- A. If a certificate holder is arrested, cited and released, or received a criminal summons for an offense listed in R7-2-1307 and if the Board finds the public health, safety or welfare imperatively requires emergency action, the Board may proceed under A.R.S. § 41-1064(C) ordering a summary suspension of a certificate while other proceedings are pending. The Board shall provide notice to the certificate holder of the meeting pursuant to R7-2-703 and R7-2-704.
- B. If a noncertificated individual is arrested, cited and released, or received a criminal summons for an offense listed in R7-2-1307 and if the Board finds the public health, safety or welfare imperatively requires emergency action, the Board may proceed under A.R.S. § 41-1064(C) ordering a summary suspension of the right to work in a school district or charter school while other proceedings are pending. The Board shall provide notice to the noncertificated individual of the meeting pursuant to R7-2-703 and R7-2-704.
- C. Summary suspensions issued by the Board shall remain in effect pending a public hearing and final decision by the Board pursuant to Article 7 of this title.

R7-2-704. Service; Proof of Service

- A. The Board shall serve notices of hearing, findings of fact, conclusions of law, and recommendations of the hearing body, and decisions and final orders of the Board, either by personal service or by first class mail or by email at the request of the parties involved. All other papers documents required to be served by the Board may be served by regular or certified mail or may be personally served or may be served by email at the request of the parties involved.
- B. After service of a notice of hearing in a contested case, a copy of every document filed by a party, or individual seeking to intervene, shall be served on all parties to the

contested case, or their lawyers if represented, at the same time the document is filed. Filing with the Board and service shall be completed by personal delivery, first-class mail or email.

C. The following evidences completed service:

1. If personally served, an affidavit of personal service, sworn to by the individual serving the document and stating the name of the individual upon whom it was served, where service was made, and the date of such service; or
2. If served by certified mail, proof of delivery; or
3. If served by email or regular mail, either a statement subscribed on the document filed, or an affidavit indicating the date mailed and listing those to whom it was mailed.

D. When a party is represented by an attorney, service shall be made on the attorney. If a notice of hearing shows service on the Attorney General, all documents served thereafter shall be served on the Assistant Attorney General named on the notice of hearing or who later appears on behalf of the Attorney General, or if no Assistant Attorney General is named, then on the Attorney General, Education and Health Section, Education Unit.