



Arizona State Board of Education

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Educator Oversight and Discipline

The Board rules in Arizona Administrative Code (A.A.C.), Title 7, Chapter 2, Articles 7 and 13, provide for the adjudication of disciplinary issues and regulation of the conduct of educators. The Board is responsible for imposing “such disciplinary action including the issuance of a letter of censure, suspension, suspension with conditions or revocation of a certificate, upon a finding of immoral or unprofessional conduct” pursuant to A.R.S. §§ 15-203(A)(14) and 15-203(A)(20). The Board’s rules provide that certificate holders who violate any provision of A.A.C. R7-2-1308 are deemed to have engaged in immoral or unprofessional conduct and may be disciplined by the Board. Reports of unprofessional conduct should initially be directed toward the Arizona Department of Education's Investigative Unit at 602-542-2972.

What is the PPAC?

The Professional Practices Advisory Committee (PPAC), a Committee of the Arizona State Board of Education, is responsible for conducting hearings on certificated individuals to which allegations of immoral and/or unprofessional conduct have been made. The PPAC is comprised of two alternating groups of seven members. At each PPAC meeting, the Committee may review applications for initial certification, renewals of certification, and conduct hearings on complaints filed against existing certified individuals. After each case is heard, members make findings of fact, conclusions of law, and a recommendation to the Board to approve or deny an application for certification; or in the case of a complaint hearing, make a recommendation regarding whether the Board should impose discipline on a certificate.

If you have been scheduled for a PPAC hearing, information on what to expect at the hearing can be found in the Guidelines for PPAC Respondents or Applicants.

Additional Exhibits

In any contested case where a Respondent/Applicant does choose to submit additional exhibits that were not included in the original documentation, either from the State or from the Respondent/Applicant, such documents will be distributed to the hearing officer and members of the PPAC on the day of the hearing. Board staff requests Respondent/Applicant to supply 10 copies of each additional exhibit to be distributed to the PPAC members, and other necessary parties on the day of the scheduled meeting.

Board Members:

President: Luke Narducci • *Vice President:* Dr. Daniel Corr
Superintendent of Public Instruction: Diane Douglas
Calvin Baker • Jill Broussard • Christine Burton • Dr. Rita Cheng • Janice Mak • Michele Kaye • Jared Taylor • Patricia Welborn
Executive Director: Alicia Williams



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Findings of Fact and Conclusions of Law

Respondent/Applicant or Representing Counsel may prepare their own Findings of Fact and Conclusions of Law to present to the PPAC. Findings of Fact typically detail each fact of a case, as well as any aggravating or mitigating factors. Conclusions of law cites statutes or administrative codes pertaining to the Board's authority to oversee the discipline process, and the grounds to which disciplinary recommendations are made.

Recommendations

Recommendations resulting from PPAC meetings are presented to the Arizona State Board of Education for approval. Ultimately, the Board makes the decision to accept, reject, or modify the PPAC's recommendation.

Outcomes

Outcomes of any contested cases are officially detailed in a "Board Order" and sent to the Respondent/Applicant or Representing Counsel after the Board meeting has taken place. In addition to this correspondence, the outcomes of discipline cases are also searchable using this tool: <https://azsbe.az.gov/teacher-certification-ppac/discipline-search>

Attached, you'll find the following supporting documents:

1. Discipline Guidelines Adopted by the State Board of Education February 27, 2017;
2. DUI Discipline Matrix Adopted by the State Board of Education September 25, 2017;
3. Aggravating and Mitigating Circumstances;
4. Guideline for PPAC Respondents or Applicants.

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**Arizona State Board of Education
Discipline Guidelines on Certification Enforcement Actions
As Adopted February 27, 2017**

Immoral or unprofessional conduct	Settlement Agreement	Contested Action
Contract break	Presumptive recommended discipline: 1 year suspension Minimum recommended discipline: 6 month suspension based on mitigating factors	Presumptive recommended discipline: 2 year suspension Minimum recommended discipline: 1 year suspension based on mitigating factors Maximum recommended discipline: Up to revocation based on aggravating factors
Under the influence at work - alcohol	Presumptive recommended discipline: 2 year suspension with conditions Minimum recommended discipline: 1 year suspension with conditions based on mitigating factors	Presumptive recommended discipline: 3 year suspension with conditions Minimum recommended discipline: 2 year suspension with conditions based on mitigating factors Maximum recommended discipline: Up to revocation based on aggravating factors
Under the influence at work - drugs	Presumptive recommended discipline: 3 year suspension with conditions Minimum recommended discipline: 2 year suspension with conditions based on mitigating factors	Presumptive recommended discipline: 3 year suspension with conditions Minimum recommended discipline: 2 year suspension based on mitigating factors Maximum recommended discipline: Up to revocation based on aggravating factors
Criminal offenses - drugs	Presumptive recommended discipline: 2 year suspension with conditions	Presumptive recommended discipline: 3 year suspension with conditions Minimum recommended discipline: 2 year suspension with conditions based on mitigating factors Maximum recommended discipline: Up to revocation based on aggravating factors
Criminal offenses - theft	Presumptive recommended discipline: 2 year suspension Minimum recommended discipline: 1 year suspension based on mitigating factors	Presumptive recommended discipline: 2 year suspension Minimum recommended discipline: 1 year suspension based on mitigating factors Maximum recommended discipline: Up to revocation based on aggravating factors
Inappropriate Communications with Student: Sexual		Presumptive recommended discipline: 2 year suspension Minimum recommended discipline: 1 year suspension Maximum recommended discipline: up to revocation

DUI Discipline Matrix

Adopted by the State Board of Education on September 25, 2017

Updated for State Board of Education meeting May 21, 2018

Applicant	Action	Certified Educator	Settlement Agreement	Contested Action (Goes through PPAC)
One DUI within 5 years of application	Grant application with letter from IU that file will be flagged and additional misconduct should be avoided up	First DUI	Close and flagged with letter from IU that additional misconduct should be avoided	Close and flagged with letter from IU that additional misconduct should be avoided
One DUI with Aggravating Factors	NSA to grant application with conditions	First DUI with Aggravating Factors	NSA: Letter of Censure with conditions or up to a 12 month suspension with conditions	12 - 18 month suspension with conditions
2-3 DUIs within 5 years of application	Denial for six months – 1 year	2-3 DUIs within 5 years	1-2 year suspension with conditions	2-3 year suspension with conditions
More than 3 DUIs (within a 5 year period)	Denial for 1 – 2 years	More than 3 DUIs in a 5 year period	2 year suspension with conditions through expiration of certificate	3 year suspension with conditions through expiration of certificate
Aggravating:	BAC, child in vehicle, property damage and/or personal injury Pattern of DUI behavior outside of the 5-year window			
Mitigating:	Remorse, rehabilitation/treatment, abstention, length of sobriety			
Non mitigating:	Type of certificate, location of employment			
Conditions:	Counseling, rehabilitation completion, etc. NSA ONLY: 3-5 years with a DUI arrest or charge would warrant an automatic revocation			

Aggravating Circumstances
Adopted from “Standards for Imposing Lawyer Sanctions”

Aggravating circumstances are any considerations or factors that may justify an increase in the degree of discipline to be imposed.

Aggravating factors that may be considered include:

1. Prior discipline records
2. Multiple offenses
3. Obstruction of disciplinary proceedings by failing to follow rules or orders of the disciplinary agency
4. Submission of false evidence, false statements or other deceptive practices during the disciplinary process
5. Refusal to acknowledge wrongful nature of conduct
6. Vulnerability of the victim
7. Substantial experience in the field
8. Illegal conduct

Mitigating Circumstances
Adopted from “Standards for Imposing Lawyer Sanctions”

Mitigating circumstances are any considerations or factors that may justify a decrease in the degree of discipline to be imposed.

Mitigating factors that may be considered include:

1. Absence of a prior discipline record
2. Personal or emotional problems
3. Timely good faith effort to rectify consequences of misconduct
4. Full and free disclosure or cooperative attitude toward disciplinary agency
5. Inexperience in the field
6. Physical disability
7. Mental disability as determined by medical evidence

GUIDELINES FOR PPAC RESPONDENTS OR APPLICANTS

Information for a Complaint Hearing

The Professional Practices Advisory Committee (hereinafter, the “PPAC”) is the committee which reviews applications for certification and conducts disciplinary hearings. At the conclusion of each matter, the PPAC, in an open session, makes findings of facts, conclusions of law and a recommendation to the State Board of Education.

In a complaint hearing, the PPAC may recommend to the State Board of Education any of the following disciplines on an educator’s certificate(s):

- Letter of Censure
- Suspension
- Suspension with conditions
- Revocation

When addressing the PPAC Members throughout the hearing, it is advised that the respondent start with “Chairman (last name of the Chairman), Members of the Committee.” This is done as a formality and shows respect to the Chairman and the PPAC Members. A hearing officer will be the acting Chairman.

The respondent has the right to be represented during the complaint hearing.

The respondent has the burden to present to the PPAC any documents, testimony, witnesses, and arguments in response to the complaint that has been filed on the respondent’s certificate.

Please be aware that PPAC Members have received the same materials that were mailed to the respondent and the PPAC Members have reviewed the materials prior to the meeting.

The recommendation made by the PPAC is a recommendation for discipline that will be presented to the State Board of Education for a final decision. The State Board of Education may accept the recommendation or motion for discipline that is lesser or greater than the PPAC’s recommendation.

Information for an Application Review Hearing

The Professional Practices Advisory Committee (hereinafter, the “PPAC”) is the committee which reviews applications for certification and conducts disciplinary hearings. At the conclusion of each matter, the PPAC, in an open session, makes findings of facts, conclusions of law, and a recommendation to the State Board of Education.

In the initial application review, or the review of the renewal of an application for certification, the PPAC will recommend that the State Board approve or deny the application for up to five years.

When addressing the PPAC Members throughout the review, it is advised that the applicant start with “Chairman (last name of the Chairman), Members of the Committee.” This is done as a formality and shows respect to the Chairman and the PPAC Members. A hearing officer will be the acting Chairman.

The applicant has the right to be represented during the application review.

The applicant has the burden to present to the PPAC any documents, testimony, witnesses, and arguments to persuade the PPAC Members that it should recommend the approval of the application to the State Board of Education.

Please be aware that PPAC Members have received the same materials that were mailed to the applicant and the PPAC Members have reviewed the materials prior to the meeting.

Complaint and Application Review Hearings: Respondent or Applicant’s Point of View

Complaint and application review hearings referred to the State Board of Education take place in front of the Professional Practices Advisory Committee (“PPAC”). This committee hears complaints brought forth by the State Board of Education against a certificated individual and holds review hearings on applicants who wish to become certified teachers in Arizona. Both types of hearings follow the same outline as an Administrative Hearing. The process is as follows:

The hearing officer will call your case. At that time, you will sit at the table to the left of the podium.

The hearing officer will introduce the case and welcome all participating parties. Next, the hearing officer will begin a roll call, where all PPAC members, a representative from the Attorney General’s Office (“State”) and Board staff will introduce themselves. At the end of introductions, you will introduce yourself to the committee. When speaking, remember to address the hearing officer and members of the PPAC, as well as to speak clearly and slowly into the microphone.

You will be asked if you are being represented by an attorney. If an attorney is present, this is the opportunity for counsel to introduce themselves to the PPAC members. If you do not have an attorney, the hearing officer will explain that you are waiving your right to counsel, but that this does not preclude you from having an attorney at any future hearings on the matter.

The hearing officer will explain the process of an administrative hearing, and how it differs from a common court hearing. The hearing officer will explain important details such as:

- The committee will be the sole judge of the evidence presented, as well as the decisions and recommendations made at the hearing.
- The State has the burden of proof. This means the State must be able to prove their case beyond a preponderance of evidence. (Preponderance of evidence means that the State needs to prove that “more likely than not” the conduct occurred.)
- Both parties (you and the State) can submit each of the following: evidence, witnesses and/or testimony.

After the introduction has been made by the hearing officer and the explanation of the proceedings has been given, the State will give an opening statement which summarizes their case.

At this point you will be allowed to make your opening statement. This statement is meant to be an introduction to your perspective of the allegations. The statement should be concise and not contain your testimony.

The State will call witnesses for examination. All witnesses, including you, will be sworn in by the hearing officer and information used in the PPAC hearing is subject to be used in any court case that may stem from the actions that brought you to the PPAC hearing. Any witness that the State calls may be cross-examined by you. Questions should be relevant to the alleged misconduct which prompted the administrative hearing and to clarify information presented during the State's questioning. The State will have the opportunity to ask follow-up questions of the witness once you have finished your questioning of the witness. Once the State rests, the members of the PPAC may question the witness. The State will typically call you as a witness to testify to the allegations. After the State has finished their questioning, PPAC members may have additional questions for you.

After the State has called and questioned their witnesses, you will have a chance to testify on your behalf. Typically, this testimony occurs after the State has called you as a witness. This is your chance to elaborate on the allegations or on any other details that you feel are relevant to your case.

After testifying, you will have the opportunity to call witnesses. Upon calling a witness, you shall proceed in a question-answer-format in an effort to illicit responses relevant to the case. After each subsequent witness has been questioned by you, the State may choose to ask questions of your witnesses. If the State chooses to ask questions, you are allowed to ask follow-up questions of your witnesses. The PPAC members may also ask questions of your witnesses.

Each party will then be given the opportunity to present their closing arguments. This is an opportunity for you to conclude your position to the committee. It is not the time to reargue the case.

At this point, the conversation will shift solely to the committee. It will be up to the PPAC to vote on the findings of fact, the conclusions of law, aggravating and mitigating factors, and finally on their recommendation to the State Board of Education. The PPAC's recommendation will be presented to the State Board of Education for the final decision.

The State's recommendation will be passed out to the hearing officer and PPAC members for review. A copy of the recommendation will be provided to you and any additional exhibits that were not included in the original documentation, either from the State or from you, will be distributed to the hearing officer and PPAC members as well. If you have additional exhibits to enter at the hearing, it is your responsibility to make 10 copies of each additional exhibit to distribute to the PPAC members, the State and Board staff.