

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# HOUSE BILL 2620

AN ACT

AMENDING SECTIONS 15-201, 15-202, 15-203, 15-231, 15-251, 15-350, 15-531, 15-534.01 AND 41-1750, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO STATE GOVERNANCE OF SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-201, Arizona Revised Statutes, is amended to  
3 read:

4 15-201. State board of education; members; appointment; terms

5 A. The state board of education shall be composed of the  
6 superintendent of public instruction, the president of a state university or  
7 a state college, ~~three~~ FOUR lay members, a president or chancellor of a  
8 community college district, ~~A PERSON WHO IS AN OWNER OR ADMINISTRATOR OF A~~  
9 ~~CHARTER SCHOOL~~, a superintendent of a high school district, a classroom  
10 teacher and a county school superintendent. A member who is a president of a  
11 state university or a state college shall not succeed himself.

12 B. The governor shall appoint each member, other than the  
13 superintendent of public instruction, pursuant to section 38-211 for a term  
14 of four years beginning on the third Monday in January.

15 Sec. 2. Section 15-202, Arizona Revised Statutes, is amended to read:

16 15-202. Meetings; majority required for validation; travel  
17 expenses; immunity

18 A. The state board of education shall hold four regular meetings  
19 annually at times it directs. Special meetings may be held on the call of  
20 the presiding officer.

21 B. Concurrence of a majority of all members of the board is necessary  
22 for validation of an act of the board.

23 C. Members shall be allowed travel expenses and reimbursement for  
24 subsistence, as provided by title 38, chapter 4, article 2, to be paid ~~upon~~  
25 ~~ON~~ claims approved by the ~~superintendent of public instruction~~ DEPARTMENT OF  
26 ADMINISTRATION, as other claims against the state are paid, from the  
27 appropriation for the board authorized in the general ~~appropriation~~  
28 ~~APPROPRIATIONS~~ bill.

29 D. Members of the board are immune from personal liability with  
30 respect to all acts done and actions taken in good faith within the scope of  
31 their authority during duly constituted regular and special meetings with  
32 approval of a majority of ~~ALL MEMBERS OF~~ the board.

33 Sec. 3. Section 15-203, Arizona Revised Statutes, is amended to read:

34 15-203. Powers and duties

35 A. The state board of education shall:

36 1. Exercise general supervision over and regulate the conduct of the  
37 public school system and adopt any rules and policies it deems necessary to  
38 accomplish this purpose.

39 2. Keep a record of its proceedings.

40 3. Make rules for its own government.

41 4. Determine the policy and work undertaken by it.

42 5. Subject to title 41, chapter 4, article 4, employ staff ~~on the~~  
43 ~~recommendation of the superintendent of public instruction.~~

44 6. Prescribe ~~AND SUPERVISE~~ the duties of its employees ~~PURSUANT TO~~  
45 ~~TITLE 41, CHAPTER 4, ARTICLE 4~~, if not ~~OTHERWISE~~ prescribed by statute.

- 1           7. Delegate to the superintendent of public instruction the execution  
2 of board policies and rules.
- 3           8. Recommend to the legislature changes or additions to the statutes  
4 pertaining to schools.
- 5           9. Prepare, publish and distribute reports concerning the educational  
6 welfare of this state.
- 7           10. Prepare a budget for expenditures necessary for proper maintenance  
8 of the board and accomplishment of its purposes and present the budget to the  
9 legislature.
- 10          11. Aid in the enforcement of laws relating to schools.
- 11          12. Prescribe a minimum course of study in the common schools, minimum  
12 competency requirements for the promotion of pupils from the third grade and  
13 minimum course of study and competency requirements for the promotion of  
14 pupils from the eighth grade. The state board of education shall prepare a  
15 fiscal impact statement of any proposed changes to the minimum course of  
16 study or competency requirements and, on completion, shall send a copy to the  
17 director of the joint legislative budget committee and the executive director  
18 of the school facilities board. The state board of education shall not adopt  
19 any changes in the minimum course of study or competency requirements in  
20 effect on July 1, 1998 that will have a fiscal impact on school capital  
21 costs.
- 22          13. Prescribe minimum course of study and competency requirements for  
23 the graduation of pupils from high school. The state board of education  
24 shall prepare a fiscal impact statement of any proposed changes to the  
25 minimum course of study or competency requirements and, on completion, shall  
26 send a copy to the director of the joint legislative budget committee and the  
27 executive director of the school facilities board. The state board of  
28 education shall not adopt any changes in the minimum course of study or  
29 competency requirements in effect on July 1, 1998 that will have a fiscal  
30 impact on school capital costs.
- 31          14. Supervise and control the certification of persons engaged in  
32 instructional work directly as any classroom, laboratory or other teacher or  
33 indirectly as a supervisory teacher, speech therapist, principal or  
34 superintendent in a school district, including school district preschool  
35 programs, or any other educational institution below the community college,  
36 college or university level, and prescribe rules for certification, including  
37 rules for certification of teachers who have teaching experience and who are  
38 trained in other states, that are not unnecessarily restrictive and are  
39 substantially similar to the rules prescribed for the certification of  
40 teachers trained in this state. The rules:
- 41           (a) Shall allow a variety of alternative teacher and administrator  
42 preparation programs, with variations in program sequence and design, to  
43 apply for program approval. The state board shall adopt rules pursuant to  
44 this subdivision designed to allow for a variety of formats and shall not  
45 require a prescribed answer or design from the program provider in order to

1 obtain approval from the state board. The state board shall evaluate each  
2 program provider based on the program's ability to prepare teachers and  
3 administrators and to recruit teachers and administrators with a variety of  
4 experiences and talents. The state board shall permit universities under the  
5 jurisdiction of the Arizona board of regents, community colleges in this  
6 state, private postsecondary institutions licensed by this state, school  
7 districts, charter schools and professional organizations to apply for  
8 program approval and shall create application procedures and certification  
9 criteria that are less restrictive than those for traditional preparation  
10 programs. Alternative preparation program graduates shall:

11 (i) Hold a bachelor's degree from an accredited postsecondary  
12 education institution.

13 (ii) Demonstrate professional knowledge and subject knowledge  
14 proficiency pursuant to section 15-533.

15 (iii) Obtain a fingerprint clearance card pursuant to section 15-534.

16 (iv) Complete training in structured English immersion as prescribed  
17 by the state board.

18 (v) Complete training in ~~research-based~~ RESEARCH-BASED systematic  
19 phonics instruction as prescribed in subdivision (b) of this paragraph.

20 (vi) Demonstrate the required proficiency in the Constitutions of the  
21 United States and Arizona as prescribed in section 15-532.

22 (b) Shall require applicants for all certificates for common school  
23 instruction to complete a minimum of forty-five classroom hours or three  
24 college level credit hours, or the equivalent, of training in research-based  
25 systematic phonics instruction from a public or private provider.

26 (c) Shall not require a teacher to obtain a master's degree or to take  
27 any additional graduate courses as a condition of certification or  
28 recertification.

29 (d) Shall allow a general equivalency diploma to be substituted for a  
30 high school diploma in the certification of emergency substitute teachers.

31 (e) Shall allow but shall not require the superintendent of a school  
32 district to obtain certification from the state board of education.

33 (f) Shall provide for the issuance of a specialized teaching  
34 certificate to classroom teachers with expertise in either science,  
35 technology, engineering or mathematics. Teachers who are certified pursuant  
36 to this subdivision shall complete training in structured English immersion  
37 as prescribed by the state board. Teachers who are certified pursuant to  
38 this subdivision are exempt from the professional knowledge and subject  
39 knowledge proficiency requirements prescribed in section 15-533 and from the  
40 proficiency requirements prescribed in section 15-532 on the Constitutions of  
41 the United States and Arizona. A teacher who obtains a specialized teaching  
42 certificate pursuant to this subdivision may provide instruction in the  
43 teacher's field of expertise in grades six through twelve at any public  
44 school in this state. This subdivision does not require a teacher who has  
45 obtained another type of teaching certificate from the state board to obtain

1 a specialized teaching certificate pursuant to this subdivision in order to  
2 provide instruction in grades six through twelve in a science, technology,  
3 engineering or mathematics course. A classroom teacher is eligible for a  
4 specialized teaching certificate pursuant to this subdivision if the teacher  
5 meets all of the following requirements:

6 (i) Has taught science, technology, engineering or mathematics courses  
7 for the last two consecutive years and for a total of at least three years at  
8 one or more regionally or nationally accredited public or private  
9 postsecondary institutions. An applicant shall demonstrate compliance with  
10 this requirement by providing the state board with written proof of  
11 employment for specific durations from one or more qualifying postsecondary  
12 institutions.

13 (ii) Has either a baccalaureate degree, a master's degree or a  
14 doctorate degree in an academic subject that is specific to science,  
15 technology, engineering or mathematics or has obtained a passing score on a  
16 statewide educator assessment in science, technology, engineering or  
17 mathematics that is recognized by the state board.

18 (iii) Obtains a valid fingerprint clearance card that is issued  
19 pursuant to title 41, chapter 12, article 3.1.

20 (g) Notwithstanding section 15-533, may exempt persons applying for a  
21 secondary education certificate from the subject knowledge portion of the  
22 proficiency examination if the state board determines that the person has  
23 work experience in science, technology, engineering or mathematics and can  
24 demonstrate adequate knowledge of a particular subject through a  
25 postsecondary education degree or twenty-four credit hours of relevant  
26 coursework.

27 15. Adopt a list of approved tests for determining special education  
28 assistance to gifted pupils as defined in and as provided in chapter 7,  
29 article 4.1 of this title. The adopted tests shall provide separate scores  
30 for quantitative reasoning, verbal reasoning and nonverbal reasoning and  
31 shall be capable of providing reliable and valid scores at the highest ranges  
32 of the score distribution.

33 16. Adopt rules governing the methods for the administration of all  
34 proficiency examinations.

35 17. Adopt proficiency examinations for its use. The state board of  
36 education shall determine the passing score for the proficiency ~~examination~~  
37 EXAMINATIONS.

38 18. Include within its budget the cost of contracting for the  
39 purchase, distribution and scoring of the examinations as provided in  
40 paragraphs 16 and 17 of this subsection.

41 19. Supervise and control the qualifications of professional  
42 nonteaching school personnel and prescribe standards relating to  
43 qualifications. The standards shall not require the business manager of a  
44 school district to obtain certification from the state board of education.

1           20. Impose such disciplinary action, including the issuance of a  
2 letter of censure, suspension, suspension with conditions or revocation of a  
3 certificate, ~~upon~~ ON a finding of immoral or unprofessional conduct.

4           21. Establish an assessment, data gathering and reporting system for  
5 pupil performance as prescribed in chapter 7, article 3 of this title.

6           22. Adopt a rule to promote braille literacy pursuant to section  
7 15-214.

8           23. Adopt rules prescribing procedures for the investigation by the  
9 department of education of every written complaint alleging that a  
10 certificated person has engaged in immoral conduct.

11           24. For purposes of federal law, serve as the state board for  
12 vocational and technological education and meet at least four times each year  
13 solely to execute the powers and duties of the state board for vocational and  
14 technological education.

15           25. Develop and maintain a handbook for use in the schools of this  
16 state that provides guidance for the teaching of moral, civic and ethical  
17 education. The handbook shall promote existing curriculum frameworks and  
18 shall encourage school districts to recognize moral, civic and ethical values  
19 within instructional and programmatic educational development programs for  
20 the general purpose of instilling character and ethical principles in pupils  
21 in kindergarten programs and grades one through twelve.

22           26. Require pupils to recite the following passage from the  
23 declaration of independence for pupils in grades four through six at the  
24 commencement of the first class of the day in the schools, except that a  
25 pupil shall not be required to participate if the pupil or the pupil's parent  
26 or guardian objects:

27                   We hold these truths to be self-evident, that all men are  
28 created equal, that they are endowed by their creator with  
29 certain unalienable rights, that among these are life, liberty  
30 and the pursuit of happiness. That to secure these rights,  
31 governments are instituted among men, deriving their just powers  
32 from the consent of the governed. . . .

33           27. Adopt rules that provide for educator certification reciprocity.  
34 The rules for issuance of a comparable reciprocal educator certificate shall  
35 include a requirement that the applicant possess a comparable valid  
36 certification from another state.

37           28. Adopt rules that provide for the presentation of an honorary high  
38 school diploma to a person who has never obtained a high school diploma and  
39 who meets both of the following requirements:

40           (a) Currently resides in this state.

41           (b) Provides documented evidence from the department of veterans'  
42 services that the person enlisted in the armed forces of the United States  
43 and served in World War I, World War II, the Korean conflict or the Vietnam  
44 conflict.

1           29. Cooperate with the Arizona-Mexico commission in the governor's  
2 office and with researchers at universities in this state to collect data and  
3 conduct projects in the United States and Mexico on issues that are within  
4 the scope of the duties of the department of education and that relate to  
5 quality of life, trade and economic development in this state in a manner  
6 that will help the Arizona-Mexico commission to assess and enhance the  
7 economic competitiveness of this state and of the Arizona-Mexico region.

8           30. Adopt rules to define and provide guidance to schools as to the  
9 activities that would constitute immoral or unprofessional conduct of  
10 certificated persons.

11           31. Adopt guidelines to encourage pupils in grades nine, ten, eleven  
12 and twelve to volunteer for twenty hours of community service before  
13 graduation from high school. A school district that complies with the  
14 guidelines adopted pursuant to this paragraph is not liable for damages  
15 resulting from a pupil's participation in community service unless the school  
16 district is found to have demonstrated wanton or reckless disregard for the  
17 safety of the pupil and other participants in community service. For the  
18 purposes of this paragraph, "community service" may include service learning.  
19 The guidelines shall include the following:

20           (a) A list of the general categories in which community service may be  
21 performed.

22           (b) A description of the methods by which community service will be  
23 monitored.

24           (c) A consideration of risk assessment for community service projects.

25           (d) Orientation and notification procedures of community service  
26 opportunities for pupils entering grade nine, including the development of a  
27 notification form. The notification form shall be signed by the pupil and  
28 the pupil's parent or guardian, except that a pupil shall not be required to  
29 participate in community service if the parent or guardian notifies the  
30 principal of the pupil's school in writing that the parent or guardian does  
31 not wish the pupil to participate in community service.

32           (e) Procedures for a pupil in grade nine to prepare a written proposal  
33 that outlines the type of community service that the pupil would like to  
34 perform and the goals that the pupil hopes to achieve as a result of  
35 community service. The pupil's written proposal shall be reviewed by a  
36 faculty advisor, a guidance counselor or any other school employee who is  
37 designated as the community service program coordinator for that school. The  
38 pupil may alter the written proposal at any time before performing community  
39 service.

40           (f) Procedures for a faculty advisor, a guidance counselor or any  
41 other school employee who is designated as the community service program  
42 coordinator to evaluate and certify the completion of community service  
43 performed by pupils.

44           32. To facilitate the transfer of military personnel and their  
45 dependents to and from the public schools of this state, pursue, in

1 cooperation with the Arizona board of regents, reciprocity agreements with  
2 other states concerning the transfer credits for military personnel and their  
3 dependents. A reciprocity agreement entered into pursuant to this paragraph  
4 shall:

- 5 (a) Address procedures for each of the following:  
6 (i) The transfer of student records.  
7 (ii) Awarding credit for completed coursework.  
8 (iii) Permitting a student to satisfy the graduation requirements  
9 prescribed in section 15-701.01 through the successful performance on  
10 comparable exit-level assessment instruments administered in another state.

11 (b) Include appropriate criteria developed by the state board of  
12 education and the Arizona board of regents.

13 33. Adopt guidelines that school district governing boards shall use  
14 in identifying pupils who are eligible for gifted programs and in providing  
15 gifted education programs and services. The state board of education shall  
16 adopt any other guidelines and rules that it deems necessary in order to  
17 carry out the purposes of chapter 7, article 4.1 of this title.

18 34. For each of the alternative textbook formats of human-voiced  
19 audio, large-print and braille, designate alternative media producers to  
20 adapt existing standard print textbooks or to provide specialized textbooks,  
21 or both, for pupils with disabilities in this state. Each alternative media  
22 producer shall be capable of producing alternative textbooks in all relevant  
23 subjects in at least one of the alternative textbook formats. The board  
24 shall post the designated list of alternative media producers on its website.

25 35. Adopt a list of approved professional development training  
26 providers for use by school districts as provided in section 15-107,  
27 subsection J. The professional development training providers shall meet the  
28 training curriculum requirements determined by the state board of education  
29 in at least the areas of school finance, governance, employment, staffing,  
30 inventory and human resources, internal controls and procurement.

31 36. Adopt rules to prohibit a person who violates the notification  
32 requirements prescribed in section 15-183, subsection C, paragraph 8 or  
33 section 15-550, subsection C from certification pursuant to this title until  
34 the person is no longer charged or is acquitted of any offenses listed in  
35 section 41-1758.03, subsection B. The board shall also adopt rules to  
36 prohibit a person who violates the notification requirements, certification  
37 surrender requirements or fingerprint clearance card surrender requirements  
38 prescribed in section 15-183, subsection C, paragraph 9 or section 15-550,  
39 subsection D from certification pursuant to this title for at least ten years  
40 after the date of the violation.

41 37. Adopt rules for the alternative certification of teachers of  
42 nontraditional foreign languages that allow for the passing of a nationally  
43 accredited test to substitute for the education coursework required for  
44 certification.

1           38. Adopt and maintain a model framework for a teacher and principal  
2 evaluation instrument that includes quantitative data on student academic  
3 progress that accounts for between thirty-three percent and fifty percent of  
4 the evaluation outcomes. The framework shall include four performance  
5 classifications, designated as highly effective, effective, developing and  
6 ineffective, and guidelines for school districts and charter schools to use  
7 in their evaluation instruments. The state board of education shall adopt  
8 best practices for professional development and evaluator training. The  
9 state board of education may periodically make adjustments to align the model  
10 framework for teacher and principal evaluations with assessment or data  
11 changes at the state level. School districts and charter schools shall use  
12 an instrument that meets the data requirements established by the state board  
13 of education to annually evaluate individual teachers and principals. School  
14 districts and charter schools shall adopt definitions for the performance  
15 classifications adopted by the state board of education in a public meeting  
16 and apply the performance classifications to their evaluation instruments in  
17 a manner designed to improve principal and teacher performance. For charter  
18 holders, the principal evaluation instrument applies to each charter school's  
19 instructional leader whose primary responsibility is to oversee the academic  
20 performance of the charter school. This paragraph does not apply to an  
21 officer, director, member or partner of the charter holder. The school  
22 district governing board shall discuss at a public meeting at least annually  
23 its aggregate performance classifications of principals and teachers.

24           39. Adopt rules to define competency-based educational pathways for  
25 college and career readiness that may be used by schools. The rules shall  
26 include the following components:

27           (a) The establishment of learning outcomes that will be expected for  
28 students in a particular subject.

29           (b) A process and criteria by which assessments may be identified or  
30 established to determine if students have reached the desired competencies in  
31 a particular subject.

32           (c) A mechanism to allow pupils in grades seven through twelve who  
33 have demonstrated competency in a subject to immediately obtain credit for  
34 the mastery of that subject. The rules shall include a list of applicable  
35 subjects, including the level of competency required for each subject.

36           40. In consultation with the department of health services, the  
37 department of education, medical professionals, school health professionals,  
38 school administrators and an organization that represents school nurses in  
39 this state, adopt rules ~~on or before January 1, 2014~~ that prescribe the  
40 following for school districts and charter schools:

41           (a) Annual training in the administration of auto-injectable  
42 epinephrine, as directed on the prescription protocol, for designated medical  
43 and nonmedical school personnel. The annual training prescribed in this  
44 subdivision is optional during any fiscal year in which sufficient monies are  
45 not appropriated by the legislature during that fiscal year to provide for

1 the purchase of two juvenile doses and two adult doses of ~~auto-injectable~~  
2 epinephrine **AUTO-INJECTORS** at each public school in this state and if the  
3 school does not stock two juvenile doses and two adult doses of  
4 ~~auto-injectable~~ epinephrine **AUTO-INJECTORS** at the school during that fiscal  
5 year.

6 (b) Annual training for all school site personnel on the recognition  
7 of anaphylactic shock symptoms and the procedures to follow when anaphylactic  
8 shock occurs, following the national guidelines of the American academy of  
9 pediatrics. The annual training prescribed in this subdivision is optional  
10 during any fiscal year in which sufficient monies are not appropriated by the  
11 legislature during that fiscal year to provide for the purchase of two  
12 juvenile doses and two adult doses of ~~auto-injectable~~ epinephrine  
13 **AUTO-INJECTORS** at each public school in this state and if the school does not  
14 stock two juvenile doses and two adult doses of ~~auto-injectable~~ epinephrine  
15 **AUTO-INJECTORS** at the school during that fiscal year.

16 (c) Procedures for the administration of ~~auto-injectable~~ epinephrine  
17 **AUTO-INJECTORS** in emergency situations, as directed on the prescription  
18 protocol.

19 (d) Procedures for annually requesting a standing order for  
20 epinephrine auto-injectors pursuant to section 15-157 from the chief medical  
21 officer of the department of health services, the chief medical officer of a  
22 county health department, a doctor of medicine licensed pursuant to title 32,  
23 chapter 13 or a doctor of osteopathy licensed pursuant to title 32,  
24 chapter 17.

25 (e) Procedures for reporting the use of ~~auto-injectable~~ epinephrine  
26 **AUTO-INJECTORS** to the department of health services.

27 B. The state board of education may:

28 1. Contract.

29 2. Sue and be sued.

30 3. Distribute and score the tests prescribed in chapter 7, article 3  
31 of this title.

32 4. Provide for an advisory committee to conduct hearings and  
33 screenings to determine whether grounds exist to impose disciplinary action  
34 against a certificated person, whether grounds exist to reinstate a revoked  
35 or surrendered certificate and whether grounds exist to approve or deny an  
36 initial application for certification or a request for renewal of a  
37 certificate. The board may delegate its responsibility to conduct hearings  
38 and screenings to its advisory committee. Hearings shall be conducted  
39 pursuant to title 41, chapter 6, article 6.

40 5. Proceed with the disposal of any complaint requesting disciplinary  
41 action or with any disciplinary action against a person holding a certificate  
42 as prescribed in subsection A, paragraph 14 of this section after the  
43 suspension or expiration of the certificate or surrender of the certificate  
44 by the holder.

1           6. Assess costs and reasonable attorney fees against a person who  
2 files a frivolous complaint or who files a complaint in bad faith. Costs  
3 assessed pursuant to this paragraph shall not exceed the expenses incurred by  
4 the ~~state board~~ DEPARTMENT OF EDUCATION in the investigation of the  
5 complaint.

6           Sec. 4. Section 15-231, Arizona Revised Statutes, is amended to read:  
7           15-231. Department of education

8           A. There is created a department of education.

9           B. The department shall be administered through:

10           1. The state board of education, which shall be the ~~policy-determining~~  
11 POLICY-DETERMINING body of the department.

12           2. The superintendent of public instruction, in whom all executive,  
13 administrative and ministerial functions of the department are vested and who  
14 is the executive officer RESPONSIBLE FOR THE EXECUTION OF POLICIES of the  
15 state board of education.

16           C. In addition to any divisions established by law, the superintendent  
17 of public instruction may establish such divisions as in the judgment of the  
18 superintendent of public instruction are necessary for the proper transaction  
19 of the business of the department.

20           D. The department shall be conducted under the control of the  
21 superintendent of public instruction.

22           Sec. 5. Section 15-251, Arizona Revised Statutes, is amended to read:  
23           15-251. Powers and duties

24           The superintendent of public instruction shall:

25           1. Superintend the schools of this state.

26           2. Request the auditor general to investigate when necessary the  
27 accounts of school monies kept by any state, county or district officer.

28           3. Subject to supervision by the state board of education, apportion  
29 to the several counties the monies to which each county is entitled for the  
30 year. Apportionment shall be made as provided in chapter 9 of this title.

31           ~~4. Direct the work of all employees of the board who shall be~~  
32 ~~employees of the department of education.~~

33           ~~5.~~ 4. Execute, under the direction of the state board of education,  
34 the policies ~~which~~ THAT have been decided ~~upon~~ ON by the state board.

35           ~~6.~~ 5. Direct the performance of executive, administrative or  
36 ministerial functions by the department of education or divisions or  
37 employees ~~thereof~~ OF THE DEPARTMENT.

38           6. DIRECT AND OVERSEE THE WORK OF ALL INVESTIGATORS RELATED TO THE  
39 INVESTIGATION OF CERTIFICATED PERSONS OR PERSONS SEEKING CERTIFICATION FOR  
40 IMMORAL OR UNPROFESSIONAL CONDUCT UNDER THIS TITLE AND RULES ADOPTED PURSUANT  
41 TO THIS TITLE. THE INVESTIGATORS SHALL BE HOUSED WITHIN AND ARE EMPLOYEES OF  
42 THE DEPARTMENT OF EDUCATION.

43           7. PROVIDE INFORMATION TO THE STATE BOARD OF EDUCATION RELATED TO THE  
44 POWERS AND DUTIES SET FORTH IN SECTION 15-203.

1           Sec. 6. Section 15-350, Arizona Revised Statutes, is amended to read:

2           15-350. Investigation of immoral or unprofessional conduct:  
3                                   confidentiality

4           A. On request of the state board of education **OR THE DEPARTMENT OF**  
5 **EDUCATION**, any school or school district that has employed a certificated  
6 person during the time in which the person is alleged to have engaged in  
7 conduct constituting grounds for disciplinary action shall make available the  
8 attendance and testimony of witnesses, documents and any physical evidence  
9 within the school district's control for examination or copying. All  
10 information received and records or reports kept by the state board of  
11 education **OR THE DEPARTMENT OF EDUCATION** during an investigation of immoral  
12 or unprofessional conduct are confidential and are not a public record.

13           B. Notwithstanding subsection A of this section, the ~~state board~~  
14 **DEPARTMENT** of education may provide information, records or reports relating  
15 to the investigation of a certificate holder to any school or school district  
16 that currently employs the certificate holder. All information, records or  
17 reports received by any school or school district pursuant to this subsection  
18 shall be used for employment purposes only, are confidential and are not a  
19 public record.

20           C. An investigator who is regularly employed and paid by the ~~state~~  
21 ~~board~~ **DEPARTMENT** of education has the authority to access criminal history  
22 records and criminal history record information, as defined in section  
23 41-1750, from law enforcement agencies.

24           Sec. 7. Section 15-531, Arizona Revised Statutes, is amended to read:

25           15-531. Fees

26           A. The state board of education may fix and collect fees for:

27           1. **THE** issuance and evaluation, singly or both, ~~including OF ANY~~  
28 provisional, basic or standard teaching certificate, **ANY** administrative,  
29 specialized service, nurse, career and technical education, vocational  
30 education or substitute **CERTIFICATE**, special subject endorsements including  
31 ~~guidance counselor~~ **GUIDANCE COUNSELOR**, art, music, physical education,  
32 industrial arts, librarian or driver training, **AND** one-year and multiyear  
33 certificates including adult education, emergency or intern certificates, not  
34 less than twenty dollars and not more than thirty dollars.

35           2. **THE** renewal **AND EVALUATION, SINGLY OR BOTH**, of any certificate,  
36 name changes, duplicates or changes of coding to existing files or  
37 certificates, not less than ten dollars and not more than twenty dollars.

38           3. **THE** administration and evaluation of the examination on the  
39 Constitutions of the United States and Arizona. Fees for the examination on  
40 the Constitutions of the United States and Arizona shall not exceed the fees  
41 assessed by the test publisher.

42           4. **THE** administration and evaluation of the proficiency examination  
43 for applicants for teaching certificates. Fees for the proficiency  
44 examination shall not exceed the fees assessed by the test publisher.

1 B. The department of education, in collecting the fees authorized by  
2 this section, may impose a convenience fee for transactions conducted using a  
3 credit or debit card or other means of electronic payment. The convenience  
4 fee shall be assessed on a per transaction basis. Pursuant to section  
5 35-142, subsections K and R, the department shall continue to accept methods  
6 of payment that are not subject to a convenience fee.

7 Sec. 8. Section 15-534.01, Arizona Revised Statutes, is amended to  
8 read:

9 15-534.01. Withdrawal of applications for administrative  
10 deficiencies; denial of applications for  
11 substantive deficiencies; certification time  
12 frames

13 A. If an application for certification is administratively incomplete,  
14 as prescribed in title 41, chapter 6, article 7.1, the department of  
15 education ~~or the state board of education~~ shall issue a written notice  
16 requesting the applicant to supply missing documents or other information.  
17 The department of education shall consider an application for certification  
18 withdrawn if, within sixty days after the date of the notice, the applicant  
19 does not supply the documentation or information requested or does not  
20 provide reasonable documented justification for the delay. On receipt of  
21 documented justification, the department of education shall provide an  
22 additional thirty days for the requested documentation or information to be  
23 provided before considering an application withdrawn.

24 B. If an application for certification is substantively incomplete, as  
25 prescribed in title 41, chapter 6, article 7.1, the department of education  
26 ~~or the state board of education~~ may issue a written notice requesting the  
27 applicant to supply additional documents or other information. The ~~state~~  
28 ~~board of education or the~~ department of education shall deny an application  
29 for certification if, within sixty days after the date of the notice, the  
30 applicant does not supply the documentation or information requested.

31 C. If the final day of a deadline imposed by this section falls on a  
32 Saturday, Sunday or other legal holiday, the next business day is the final  
33 day of the deadline.

34 D. A notice of denial of an application for certification issued by  
35 ~~the state board of education or~~ the department of education pursuant to  
36 subsection B of this section shall comply with section 41-1076.

37 E. A person who has had an application for certification denied by ~~the~~  
38 ~~state board of education or~~ the department of education pursuant to  
39 subsection B of this section may file a written request for a hearing with  
40 the state board of education within fifteen days after receiving the notice  
41 of denial. The appeal shall be conducted in accordance with title 41,  
42 chapter 6, article 6.



1           10. Provide training and proficiency testing on the use of criminal  
2 justice information to agencies receiving information from the central state  
3 repository or through the Arizona criminal justice information system.

4           11. Operate and maintain the Arizona automated fingerprint  
5 identification system established by section 41-2411.

6           12. Provide criminal history record information to the fingerprinting  
7 division for the purpose of screening applicants for fingerprint clearance  
8 cards.

9           B. The director may establish guidelines for the submission and  
10 retention of criminal justice information as deemed useful for the study or  
11 prevention of crime and for the administration of criminal justice.

12           C. The chief officers of criminal justice agencies of this state or  
13 its political subdivisions shall provide to the central state repository  
14 fingerprints and information concerning personal identification data,  
15 descriptions, crimes for which persons are arrested, process control numbers  
16 and dispositions and such other information as may be pertinent to all  
17 persons who have been charged with, arrested for, convicted of or summoned to  
18 court as criminal defendants for felony offenses or offenses involving  
19 domestic violence as defined in section 13-3601 or violations of title 13,  
20 chapter 14 or title 28, chapter 4 that have occurred in this state.

21           D. The chief officers of law enforcement agencies of this state or its  
22 political subdivisions shall provide to the department such information as  
23 necessary to operate the statewide uniform crime reporting program and to  
24 cooperate with the federal government uniform crime reporting program.

25           E. The chief officers of criminal justice agencies of this state or  
26 its political subdivisions shall comply with the training and proficiency  
27 testing guidelines as required by the department to comply with the federal  
28 national crime information center mandates.

29           F. The chief officers of criminal justice agencies of this state or  
30 its political subdivisions also shall provide to the department information  
31 concerning crimes that manifest evidence of prejudice based on race, color,  
32 religion, national origin, sexual orientation, gender or disability.

33           G. The director shall authorize the exchange of criminal justice  
34 information between the central state repository, or through the Arizona  
35 criminal justice information system, whether directly or through any  
36 intermediary, only as follows:

37           1. With criminal justice agencies of the federal government, Indian  
38 tribes, this state or its political subdivisions and other states, on request  
39 by the chief officers of such agencies or their designated representatives,  
40 specifically for the purposes of the administration of criminal justice and  
41 for evaluating the fitness of current and prospective criminal justice  
42 employees.

43           2. With any noncriminal justice agency pursuant to a statute,  
44 ordinance or executive order that specifically authorizes the noncriminal  
45 justice agency to receive criminal history record information for the purpose

1 of evaluating the fitness of current or prospective licensees, employees,  
2 contract employees or volunteers, on submission of the subject's fingerprints  
3 and the prescribed fee. Each statute, ordinance, or executive order that  
4 authorizes noncriminal justice agencies to receive criminal history record  
5 information for these purposes shall identify the specific categories of  
6 licensees, employees, contract employees or volunteers, and shall require  
7 that fingerprints of the specified individuals be submitted in conjunction  
8 with such requests for criminal history record information.

9 3. With the board of fingerprinting for the purpose of conducting good  
10 cause exceptions pursuant to section 41-619.55 and central registry  
11 exceptions pursuant to section 41-619.57.

12 4. With any individual for any lawful purpose on submission of the  
13 subject of record's fingerprints and the prescribed fee.

14 5. With the governor, if the governor elects to become actively  
15 involved in the investigation of criminal activity or the administration of  
16 criminal justice in accordance with the governor's constitutional duty to  
17 ensure that the laws are faithfully executed or as needed to carry out the  
18 other responsibilities of the governor's office.

19 6. With regional computer centers that maintain authorized  
20 computer-to-computer interfaces with the department, that are criminal  
21 justice agencies or under the management control of a criminal justice agency  
22 and that are established by a statute, ordinance or executive order to  
23 provide automated data processing services to criminal justice agencies  
24 specifically for the purposes of the administration of criminal justice or  
25 evaluating the fitness of regional computer center employees who have access  
26 to the Arizona criminal justice information system and the national crime  
27 information center system.

28 7. With an individual who asserts a belief that criminal history  
29 record information relating to the individual is maintained by an agency or  
30 in an information system in this state that is subject to this section. On  
31 submission of fingerprints, the individual may review this information for  
32 the purpose of determining its accuracy and completeness by making  
33 application to the agency operating the system. Rules adopted under this  
34 section shall include provisions for administrative review and necessary  
35 correction of any inaccurate or incomplete information. The review and  
36 challenge process authorized by this paragraph is limited to criminal history  
37 record information.

38 8. With individuals and agencies pursuant to a specific agreement with  
39 a criminal justice agency to provide services required for the administration  
40 of criminal justice pursuant to that agreement if the agreement specifically  
41 authorizes access to data, limits the use of data to purposes for which given  
42 and ensures the security and confidentiality of the data consistent with this  
43 section.

44 9. With individuals and agencies for the express purpose of research,  
45 evaluative or statistical activities pursuant to an agreement with a criminal

1 justice agency if the agreement specifically authorizes access to data,  
2 limits the use of data to research, evaluative or statistical purposes and  
3 ensures the confidentiality and security of the data consistent with this  
4 section.

5 10. With the auditor general for audit purposes.

6 11. With central state repositories of other states for noncriminal  
7 justice purposes for dissemination in accordance with the laws of those  
8 states.

9 12. On submission of the fingerprint card, with the department of  
10 child safety and a tribal social services agency to provide criminal history  
11 record information on prospective adoptive parents for the purpose of  
12 conducting the preadoption certification investigation under title 8, chapter  
13 1, article 1 if the department of economic security is conducting the  
14 investigation, or with an agency or a person appointed by the court, if the  
15 agency or person is conducting the investigation. Information received under  
16 this paragraph shall only be used for the purposes of the preadoption  
17 certification investigation.

18 13. With the department of child safety, a tribal social services  
19 agency and the superior court for the purpose of evaluating the fitness of  
20 custodians or prospective custodians of juveniles, including parents,  
21 relatives and prospective guardians. Information received under this  
22 paragraph shall only be used for the purposes of that evaluation. The  
23 information shall be provided on submission of either:

24 (a) The fingerprint card.

25 (b) The name, date of birth and social security number of the person.

26 14. On submission of a fingerprint card, provide criminal history  
27 record information to the superior court for the purpose of evaluating the  
28 fitness of investigators appointed under section 14-5303 or 14-5407,  
29 guardians appointed under section 14-5206 or 14-5304 or conservators  
30 appointed under section 14-5401.

31 15. With the supreme court to provide criminal history record  
32 information on prospective fiduciaries pursuant to section 14-5651.

33 16. With the department of juvenile corrections to provide criminal  
34 history record information pursuant to section 41-2814.

35 17. On submission of the fingerprint card, provide criminal history  
36 record information to the Arizona peace officer standards and training board  
37 or a board certified law enforcement academy to evaluate the fitness of  
38 prospective cadets.

39 18. With the internet sex offender ~~web-site~~ WEBSITE database  
40 established pursuant to section 13-3827.

41 19. With licensees of the United States nuclear regulatory commission  
42 for the purpose of determining whether an individual should be granted  
43 unescorted access to the protected area of a commercial nuclear generating  
44 station on submission of the subject of record's fingerprints and the  
45 prescribed fee.

1           20. With the ~~state board~~ DEPARTMENT of education for the purpose of  
2 evaluating the fitness of a certificated teacher or administrator or an  
3 applicant for a teaching or an administrative certificate, provided that the  
4 ~~state board~~ DEPARTMENT of education or its employees or agents have  
5 reasonable suspicion that the certificated person engaged in conduct that  
6 would be a criminal violation of the laws of this state or was involved in  
7 immoral or unprofessional conduct or that the applicant engaged in conduct  
8 that would warrant disciplinary action if the applicant were certificated at  
9 the time of the alleged conduct. The information shall be provided on the  
10 submission of either:

- 11           (a) The fingerprint card.  
12           (b) The name, date of birth and social security number of the person.

13           21. With each school district and charter school in this state. The  
14 state board of education and the state board for charter schools shall  
15 provide the department of public safety with a current list of e-mail  
16 addresses for each school district and charter school in this state and shall  
17 periodically provide the department of public safety with updated e-mail  
18 addresses. If the department of public safety is notified that a person who  
19 is required to have a fingerprint clearance card to be employed by or to  
20 engage in volunteer activities at a school district or charter school has  
21 been arrested for or convicted of an offense listed in section 41-1758.03,  
22 subsection B or has been arrested for or convicted of an offense that amounts  
23 to unprofessional conduct under section 15-550, the department of public  
24 safety shall notify each school district and charter school in this state  
25 that the person's fingerprint clearance card has been suspended or revoked.

26           22. With a tribal social services agency and the department of child  
27 safety as provided by law, which currently is the Adam Walsh child protection  
28 and safety act of 2006 (42 United States Code section 16961), for the  
29 purposes of investigating or responding to reports of child abuse, neglect or  
30 exploitation. Information received pursuant to this paragraph from the  
31 national crime information center, the interstate identification index and  
32 the Arizona criminal justice information system network shall only be used  
33 for the purposes of investigating or responding as prescribed in this  
34 paragraph. The information shall be provided on submission to the department  
35 of public safety of either:

- 36           (a) The fingerprints of the person being investigated.  
37           (b) The name, date of birth and social security number of the person.

38           23. With a nonprofit organization that interacts with children or  
39 vulnerable adults for the lawful purpose of evaluating the fitness of all  
40 current and prospective employees, contractors and volunteers of the  
41 organization. The criminal history record information shall be provided on  
42 submission of the applicant fingerprint card and the prescribed fee.

43           24. With the superior court for the purpose of determining an  
44 individual's eligibility for substance abuse and treatment courts in a family  
45 or juvenile case.

1 H. The director shall adopt rules necessary to execute this section.

2 I. The director, in the manner prescribed by law, shall remove and  
3 destroy records that the director determines are no longer of value in the  
4 detection or prevention of crime.

5 J. The director shall establish a fee in an amount necessary to cover  
6 the cost of federal noncriminal justice fingerprint processing for criminal  
7 history record information checks that are authorized by law for noncriminal  
8 justice employment, licensing or other lawful purposes. An additional fee  
9 may be charged by the department for state noncriminal justice fingerprint  
10 processing. Fees submitted to the department for state noncriminal justice  
11 fingerprint processing are not refundable.

12 K. The director shall establish a fee in an amount necessary to cover  
13 the cost of processing copies of department reports, eight by ten inch black  
14 and white photographs or eight by ten inch color photographs of traffic  
15 accident scenes.

16 L. Except as provided in subsection O of this section, each agency  
17 authorized by this section may charge a fee, in addition to any other fees  
18 prescribed by law, in an amount necessary to cover the cost of state and  
19 federal noncriminal justice fingerprint processing for criminal history  
20 record information checks that are authorized by law for noncriminal justice  
21 employment, licensing or other lawful purposes.

22 M. A fingerprint account within the records processing fund is  
23 established for the purpose of separately accounting for the collection and  
24 payment of fees for noncriminal justice fingerprint processing by the  
25 department. Monies collected for this purpose shall be credited to the  
26 account, and payments by the department to the United States for federal  
27 noncriminal justice fingerprint processing shall be charged against the  
28 account. Monies in the account not required for payment to the United States  
29 shall be used by the department in support of the department's noncriminal  
30 justice fingerprint processing duties. At the end of each fiscal year, any  
31 balance in the account not required for payment to the United States or to  
32 support the department's noncriminal justice fingerprint processing duties  
33 reverts to the state general fund.

34 N. A records processing fund is established for the purpose of  
35 separately accounting for the collection and payment of fees for department  
36 reports and photographs of traffic accident scenes processed by the  
37 department. Monies collected for this purpose shall be credited to the fund  
38 and shall be used by the department in support of functions related to  
39 providing copies of department reports and photographs. At the end of each  
40 fiscal year, any balance in the fund not required for support of the  
41 functions related to providing copies of department reports and photographs  
42 reverts to the state general fund.

43 O. The department of child safety may pay from appropriated monies the  
44 cost of federal fingerprint processing or federal criminal history record  
45 information checks that are authorized by law for employees and volunteers of

1 the department, guardians pursuant to section 8-453, subsection A,  
2 paragraph 6, the licensing of foster parents or the certification of adoptive  
3 parents.

4 P. The director shall adopt rules that provide for:

5 1. The collection and disposition of fees pursuant to this section.

6 2. The refusal of service to those agencies that are delinquent in  
7 paying these fees.

8 Q. The director shall ensure that the following limitations are  
9 observed regarding dissemination of criminal justice information obtained  
10 from the central state repository or through the Arizona criminal justice  
11 information system:

12 1. Any criminal justice agency that obtains criminal justice  
13 information from the central state repository or through the Arizona criminal  
14 justice information system assumes responsibility for the security of the  
15 information and shall not secondarily disseminate this information to any  
16 individual or agency not authorized to receive this information directly from  
17 the central state repository or originating agency.

18 2. Dissemination to an authorized agency or individual may be  
19 accomplished by a criminal justice agency only if the dissemination is for  
20 criminal justice purposes in connection with the prescribed duties of the  
21 agency and not in violation of this section.

22 3. Criminal history record information disseminated to noncriminal  
23 justice agencies or to individuals shall be used only for the purposes for  
24 which it was given. Secondary dissemination is prohibited unless otherwise  
25 authorized by law.

26 4. The existence or nonexistence of criminal history record  
27 information shall not be confirmed to any individual or agency not authorized  
28 to receive the information itself.

29 5. Criminal history record information to be released for noncriminal  
30 justice purposes to agencies of other states shall only be released to the  
31 central state repositories of those states for dissemination in accordance  
32 with the laws of those states.

33 6. Criminal history record information shall be released to  
34 noncriminal justice agencies of the federal government pursuant to the terms  
35 of the federal security clearance information act (P.L. 99-169).

36 R. This section and the rules adopted under this section apply to all  
37 agencies and individuals collecting, storing or disseminating criminal  
38 justice information processed by manual or automated operations if the  
39 collection, storage or dissemination is funded in whole or in part with  
40 monies made available by the law enforcement assistance administration after  
41 July 1, 1973, pursuant to title I of the crime control act of 1973, and to  
42 all agencies that interact with or receive criminal justice information from  
43 or through the central state repository and through the Arizona criminal  
44 justice information system.

1           S. This section does not apply to criminal history record information  
2 contained in:

3           1. Posters, arrest warrants, announcements or lists for identifying or  
4 apprehending fugitives or wanted persons.

5           2. Original records of entry such as police blotters maintained by  
6 criminal justice agencies, compiled chronologically and required by law or  
7 long-standing custom to be made public if these records are organized on a  
8 chronological basis.

9           3. Transcripts or records of judicial proceedings if released by a  
10 court or legislative or administrative proceedings.

11           4. Announcements of executive clemency or pardon.

12           5. Computer databases, other than the Arizona criminal justice  
13 information system, that are specifically designed for community notification  
14 of an offender's presence in the community pursuant to section 13-3825 or for  
15 public informational purposes authorized by section 13-3827.

16           T. Nothing in this section prevents a criminal justice agency from  
17 disclosing to the public criminal history record information that is  
18 reasonably contemporaneous to the event for which an individual is currently  
19 within the criminal justice system, including information noted on traffic  
20 accident reports concerning citations, blood alcohol tests or arrests made in  
21 connection with the traffic accident being investigated.

22           U. In order to ensure that complete and accurate criminal history  
23 record information is maintained and disseminated by the central state  
24 repository:

25           1. The arresting authority shall take legible ten-print fingerprints  
26 of all persons who are arrested for offenses listed in subsection C of this  
27 section including persons who are arrested and released pursuant to section  
28 13-3903, subsection C. The arresting authority may transfer an arrestee to a  
29 booking agency for ten-print fingerprinting. If the booking agency cannot  
30 determine whether legible ten-print fingerprints were taken from the  
31 arrestee, the booking agency shall take the arrestee's ten-print  
32 fingerprints. The arresting authority or booking agency shall obtain a  
33 process control number and provide to the person fingerprinted a document  
34 that indicates proof of the fingerprinting and that informs the person that  
35 the document must be presented to the court.

36           2. The mandatory fingerprint compliance form shall contain the  
37 following information:

38           (a) Whether ten-print fingerprints have been obtained from the person.

39           (b) Whether a process control number was obtained.

40           (c) The offense or offenses for which the process control number was  
41 obtained.

42           (d) Any report number of the arresting authority.

43           (e) Instructions on reporting for ten-print fingerprinting, including  
44 available times and locations for reporting for ten-print fingerprinting.

1 (f) Instructions that direct the person to provide the form to the  
2 court at the person's next court appearance.

3 3. Within ten days after a person is fingerprinted, the arresting  
4 authority or agency that took the fingerprints shall forward the fingerprints  
5 to the department in the manner or form required by the department.

6 4. On the issuance of a summons for a defendant who is charged with an  
7 offense listed in subsection C of this section, the summons shall direct the  
8 defendant to provide ten-print fingerprints to the appropriate law  
9 enforcement agency.

10 5. At the initial appearance or on the arraignment of a summoned  
11 defendant who is charged with an offense listed in subsection C of this  
12 section, if the person does not present a completed mandatory fingerprint  
13 compliance form to the court or if the court has not received the process  
14 control number, the court shall order that within twenty calendar days the  
15 defendant be ten-print fingerprinted at a designated time and place by the  
16 appropriate law enforcement agency.

17 6. If the defendant fails to present a completed mandatory fingerprint  
18 compliance form or if the court has not received the process control number,  
19 the court, on its own motion, may remand the defendant into custody for  
20 ten-print fingerprinting. If otherwise eligible for release, the defendant  
21 shall be released from custody after being ten-print fingerprinted.

22 7. In every criminal case in which the defendant is incarcerated or  
23 fingerprinted as a result of the charge, an originating law enforcement  
24 agency or prosecutor, within forty days of the disposition, shall advise the  
25 central state repository of all dispositions concerning the termination of  
26 criminal proceedings against an individual arrested for an offense specified  
27 in subsection C of this section. This information shall be submitted on a  
28 form or in a manner required by the department.

29 8. Dispositions resulting from formal proceedings in a court having  
30 jurisdiction in a criminal action against an individual who is arrested for  
31 an offense specified in subsection C of this section or section 8-341,  
32 subsection V, paragraph 3 shall be reported to the central state repository  
33 within forty days of the date of the disposition. This information shall be  
34 submitted on a form or in a manner specified by rules approved by the supreme  
35 court.

36 9. The state department of corrections or the department of juvenile  
37 corrections, within forty days, shall advise the central state repository  
38 that it has assumed supervision of a person convicted of an offense specified  
39 in subsection C of this section or section 8-341, subsection V, paragraph 3.  
40 The state department of corrections or the department of juvenile corrections  
41 shall also report dispositions that occur thereafter to the central state  
42 repository within forty days of the date of the dispositions. This  
43 information shall be submitted on a form or in a manner required by the  
44 department of public safety.

1           10. Each criminal justice agency shall query the central state  
2 repository before dissemination of any criminal history record information to  
3 ensure the completeness of the information. Inquiries shall be made before  
4 any dissemination except in those cases in which time is of the essence and  
5 the repository is technically incapable of responding within the necessary  
6 time period. If time is of the essence, the inquiry shall still be made and  
7 the response shall be provided as soon as possible.

8           V. The director shall adopt rules specifying that any agency that  
9 collects, stores or disseminates criminal justice information that is subject  
10 to this section shall establish effective security measures to protect the  
11 information from unauthorized access, disclosure, modification or  
12 dissemination. The rules shall include reasonable safeguards to protect the  
13 affected information systems from fire, flood, wind, theft, sabotage or other  
14 natural or man-made hazards or disasters.

15           W. The department shall make available to agencies that contribute to,  
16 or receive criminal justice information from, the central state repository or  
17 through the Arizona criminal justice information system a continuing training  
18 program in the proper methods for collecting, storing and disseminating  
19 information in compliance with this section.

20           X. Nothing in this section creates a cause of action or a right to  
21 bring an action, including an action based on discrimination due to sexual  
22 orientation.

23           Y. For the purposes of this section:

24           1. "Administration of criminal justice" means performance of the  
25 detection, apprehension, detention, pretrial release, posttrial release,  
26 prosecution, adjudication, correctional supervision or rehabilitation of  
27 criminal offenders. Administration of criminal justice includes enforcement  
28 of criminal traffic offenses and civil traffic violations, including parking  
29 violations, when performed by a criminal justice agency. Administration of  
30 criminal justice also includes criminal identification activities and the  
31 collection, storage and dissemination of criminal history record information.

32           2. "Administrative records" means records that contain adequate and  
33 proper documentation of the organization, functions, policies, decisions,  
34 procedures and essential transactions of the agency and that are designed to  
35 furnish information to protect the rights of this state and of persons  
36 directly affected by the agency's activities.

37           3. "Arizona criminal justice information system" or "system" means the  
38 statewide information system managed by the director for the collection,  
39 processing, preservation, dissemination and exchange of criminal justice  
40 information and includes the electronic equipment, facilities, procedures and  
41 agreements necessary to exchange this information.

42           4. "Central state repository" means the central location within the  
43 department for the collection, storage and dissemination of Arizona criminal  
44 history records and related criminal justice information.

1           5. "Criminal history record information" and "criminal history record"  
2 means information that is collected by criminal justice agencies on  
3 individuals and that consists of identifiable descriptions and notations of  
4 arrests, detentions, indictments and other formal criminal charges, and any  
5 disposition arising from those actions, sentencing, formal correctional  
6 supervisory action and release. Criminal history record information and  
7 criminal history record do not include identification information to the  
8 extent that the information does not indicate involvement of the individual  
9 in the criminal justice system or information relating to juveniles unless  
10 they have been adjudicated as adults.

11           6. "Criminal justice agency" means either:

12           (a) A court at any governmental level with criminal or equivalent  
13 jurisdiction, including courts of any foreign sovereignty duly recognized by  
14 the federal government.

15           (b) A government agency or subunit of a government agency that is  
16 specifically authorized to perform as its principal function the  
17 administration of criminal justice pursuant to a statute, ordinance or  
18 executive order and that allocates more than fifty percent of its annual  
19 budget to the administration of criminal justice. This subdivision includes  
20 agencies of any foreign sovereignty duly recognized by the federal  
21 government.

22           7. "Criminal justice information" means information that is collected  
23 by criminal justice agencies and that is needed for the performance of their  
24 legally authorized and required functions, such as criminal history record  
25 information, citation information, stolen property information, traffic  
26 accident reports, wanted persons information and system network log searches.  
27 Criminal justice information does not include the administrative records of a  
28 criminal justice agency.

29           8. "Disposition" means information disclosing that a decision has been  
30 made not to bring criminal charges or that criminal proceedings have been  
31 concluded or information relating to sentencing, correctional supervision,  
32 release from correctional supervision, the outcome of an appellate review of  
33 criminal proceedings or executive clemency.

34           9. "Dissemination" means the written, oral or electronic communication  
35 or transfer of criminal justice information to individuals and agencies other  
36 than the criminal justice agency that maintains the information.  
37 Dissemination includes the act of confirming the existence or nonexistence of  
38 criminal justice information.

39           10. "Management control":

40           (a) Means the authority to set and enforce:

41           (i) Priorities regarding development and operation of criminal justice  
42 information systems and programs.

43           (ii) Standards for the selection, supervision and termination of  
44 personnel involved in the development of criminal justice information systems

1 and programs and in the collection, maintenance, analysis and dissemination  
2 of criminal justice information.

3 (iii) Policies governing the operation of computers, circuits and  
4 telecommunications terminals used to process criminal justice information to  
5 the extent that the equipment is used to process, store or transmit criminal  
6 justice information.

7 (b) Includes the supervision of equipment, systems design, programming  
8 and operating procedures necessary for the development and implementation of  
9 automated criminal justice information systems.

10 11. "Process control number" means the Arizona automated fingerprint  
11 identification system number that attaches to each arrest event at the time  
12 of fingerprinting and that is assigned to the arrest fingerprint card,  
13 disposition form and other pertinent documents.

14 12. "Secondary dissemination" means the dissemination of criminal  
15 justice information from an individual or agency that originally obtained the  
16 information from the central state repository or through the Arizona criminal  
17 justice information system to another individual or agency.

18 13. "Sexual orientation" means consensual homosexuality or  
19 heterosexuality.

20 14. "Subject of record" means the person who is the primary subject of  
21 a criminal justice record.

22 Sec. 10. Transition plan

23 On or before August 1, 2016, the state board of education and the  
24 department of education shall jointly develop, implement and submit a  
25 transition plan to the governor, the president of the senate and the speaker  
26 of the house of representatives for all investigative unit personnel and  
27 administrative matters, whether completed, pending or in process, at the  
28 state board to be transferred to the department of education. A copy of the  
29 transition plan shall be submitted to the secretary of state. The transition  
30 plan shall also include jointly agreed-on conforming changes needed for  
31 proposed legislation.

32 Sec. 11. FTE positions; transfer; superintendent of public  
33 instruction; fiscal year 2016-2017

34 For fiscal year 2016-2017, the state board of education shall transfer  
35 seven FTE positions to the superintendent of public instruction.

36 Sec. 12. Fund transfers; superintendent of public instruction;  
37 fiscal year 2016-2017

38 In fiscal year 2016-2017, the following amounts are transferred from  
39 the state board of education to the superintendent of public instruction:

40 1. \$231,200 from the state general fund.

41 2. \$379,800 from the teacher certification fund established by section  
42 15-248.02, Arizona Revised Statutes.