

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

CHAPTER 138
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
46 obtain approval from the state board. The state board shall evaluate each

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

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

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

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

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

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

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

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

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

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

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

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

1 engineering or mathematics course. A classroom teacher is eligible for a
2 specialized teaching certificate pursuant to this subdivision if the teacher
3 meets all of the following requirements:

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

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

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

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

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

31 16. Adopt rules governing the methods for the administration of all
32 proficiency examinations.

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

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

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

43 20. Impose such disciplinary action, including the issuance of a
44 letter of censure, suspension, suspension with conditions or revocation of a
45 certificate, ~~upon~~ **ON** a finding of immoral or unprofessional conduct.

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

3 22. Adopt a rule to promote braille literacy pursuant to section
4 15-214.

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

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

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

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

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

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

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

37 (a) Currently resides in this state.

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

42 29. Cooperate with the Arizona-Mexico commission in the governor's
43 office and with researchers at universities in this state to collect data and
44 conduct projects in the United States and Mexico on issues that are within
45 the scope of the duties of the department of education and that relate to
46 quality of life, trade and economic development in this state in a manner

1 that will help the Arizona-Mexico commission to assess and enhance the
2 economic competitiveness of this state and of the Arizona-Mexico region.

3 30. Adopt rules to define and provide guidance to schools as to the
4 activities that would constitute immoral or unprofessional conduct of
5 certificated persons.

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

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

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

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

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

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

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

39 32. To facilitate the transfer of military personnel and their
40 dependents to and from the public schools of this state, pursue, in
41 cooperation with the Arizona board of regents, reciprocity agreements with
42 other states concerning the transfer credits for military personnel and their
43 dependents. A reciprocity agreement entered into pursuant to this paragraph
44 shall:

45 (a) Address procedures for each of the following:

46 (i) The transfer of student records.

1 (ii) Awarding credit for completed coursework.

2 (iii) Permitting a student to satisfy the graduation requirements
3 prescribed in section 15-701.01 through the successful performance on
4 comparable exit-level assessment instruments administered in another state.

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

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

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

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

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

35 37. Adopt rules for the alternative certification of teachers of
36 nontraditional foreign languages that allow for the passing of a nationally
37 accredited test to substitute for the education coursework required for
38 certification.

39 38. Adopt and maintain a model framework for a teacher and principal
40 evaluation instrument that includes quantitative data on student academic
41 progress that accounts for between thirty-three percent and fifty percent of
42 the evaluation outcomes. The framework shall include four performance
43 classifications, designated as highly effective, effective, developing and
44 ineffective, and guidelines for school districts and charter schools to use
45 in their evaluation instruments. The state board of education shall adopt
46 best practices for professional development and evaluator training. The

1 state board of education may periodically make adjustments to align the model
2 framework for teacher and principal evaluations with assessment or data
3 changes at the state level. School districts and charter schools shall use
4 an instrument that meets the data requirements established by the state board
5 of education to annually evaluate individual teachers and principals. School
6 districts and charter schools shall adopt definitions for the performance
7 classifications adopted by the state board of education in a public meeting
8 and apply the performance classifications to their evaluation instruments in
9 a manner designed to improve principal and teacher performance. For charter
10 holders, the principal evaluation instrument applies to each charter school's
11 instructional leader whose primary responsibility is to oversee the academic
12 performance of the charter school. This paragraph does not apply to an
13 officer, director, member or partner of the charter holder. The school
14 district governing board shall discuss at a public meeting at least annually
15 its aggregate performance classifications of principals and teachers.

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

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

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

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

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

33 (a) Annual training in the administration of auto-injectable
34 epinephrine, as directed on the prescription protocol, for designated medical
35 and nonmedical school personnel. The annual training prescribed in this
36 subdivision is optional during any fiscal year in which sufficient monies are
37 not appropriated by the legislature during that fiscal year to provide for
38 the purchase of two juvenile doses and two adult doses of ~~auto-injectable~~
39 epinephrine **AUTO-INJECTORS** at each public school in this state and if the
40 school does not stock two juvenile doses and two adult doses of
41 ~~auto-injectable~~ epinephrine **AUTO-INJECTORS** at the school during that fiscal
42 year.

43 (b) Annual training for all school site personnel on the recognition
44 of anaphylactic shock symptoms and the procedures to follow when anaphylactic
45 shock occurs, following the national guidelines of the American academy of
46 pediatrics. The annual training prescribed in this subdivision is optional

1 during any fiscal year in which sufficient monies are not appropriated by the
2 legislature during that fiscal year to provide for the purchase of two
3 juvenile doses and two adult doses of ~~auto-injectable~~ epinephrine
4 **AUTO-INJECTORS** at each public school in this state and if the school does not
5 stock two juvenile doses and two adult doses of ~~auto-injectable~~ epinephrine
6 **AUTO-INJECTORS** at the school during that fiscal year.

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

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

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

18 B. The state board of education may:

19 1. Contract.

20 2. Sue and be sued.

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

23 4. Provide for an advisory committee to conduct hearings and
24 screenings to determine whether grounds exist to impose disciplinary action
25 against a certificated person, whether grounds exist to reinstate a revoked
26 or surrendered certificate and whether grounds exist to approve or deny an
27 initial application for certification or a request for renewal of a
28 certificate. The board may delegate its responsibility to conduct hearings
29 and screenings to its advisory committee. Hearings shall be conducted
30 pursuant to title 41, chapter 6, article 6.

31 5. Proceed with the disposal of any complaint requesting disciplinary
32 action or with any disciplinary action against a person holding a certificate
33 as prescribed in subsection A, paragraph 14 of this section after the
34 suspension or expiration of the certificate or surrender of the certificate
35 by the holder.

36 6. Assess costs and reasonable attorney fees against a person who
37 files a frivolous complaint or who files a complaint in bad faith. Costs
38 assessed pursuant to this paragraph shall not exceed the expenses incurred by
39 the ~~state board~~ **DEPARTMENT OF EDUCATION** in the investigation of the
40 complaint.

41 Sec. 4. Section 15-231, Arizona Revised Statutes, is amended to read:

42 15-231. Department of education

43 A. There is created a department of education.

44 B. The department shall be administered through:

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

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

5 C. In addition to any divisions established by law, the superintendent
6 of public instruction may establish such divisions as in the judgment of the
7 superintendent of public instruction are necessary for the proper transaction
8 of the business of the department.

9 D. The department shall be conducted under the control of the
10 superintendent of public instruction.

11 Sec. 5. Section 15-251, Arizona Revised Statutes, is amended to read:

12 15-251. Powers and duties

13 The superintendent of public instruction shall:

14 1. Superintend the schools of this state.

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

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

20 ~~4. Direct the work of all employees of the board who shall be~~
21 ~~employees of the department of education.~~

22 ~~5.~~ 4. Execute, under the direction of the state board of education,
23 the policies ~~which~~ **THAT** have been decided ~~upon~~ **ON** by the state board.

24 ~~6.~~ 5. Direct the performance of executive, administrative or
25 ministerial functions by the department of education or divisions or
26 employees ~~thereof~~ **OF THE DEPARTMENT**.

27 6. **DIRECT AND OVERSEE THE WORK OF ALL INVESTIGATORS RELATED TO THE**
28 **INVESTIGATION OF CERTIFICATED PERSONS OR PERSONS SEEKING CERTIFICATION FOR**
29 **IMMORAL OR UNPROFESSIONAL CONDUCT UNDER THIS TITLE AND RULES ADOPTED PURSUANT**
30 **TO THIS TITLE. THE INVESTIGATORS SHALL BE HOUSED WITHIN AND ARE EMPLOYEES OF**
31 **THE DEPARTMENT OF EDUCATION.**

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

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

35 15-350. Investigation of immoral or unprofessional conduct;
36 confidentiality

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

1 B. Notwithstanding subsection A of this section, the ~~state board~~
2 DEPARTMENT of education may provide information, records or reports relating
3 to the investigation of a certificate holder to any school or school district
4 that currently employs the certificate holder. All information, records or
5 reports received by any school or school district pursuant to this subsection
6 shall be used for employment purposes only, are confidential and are not a
7 public record.

8 C. An investigator who is regularly employed and paid by the ~~state~~
9 board DEPARTMENT of education has the authority to access criminal history
10 records and criminal history record information, as defined in section
11 41-1750, from law enforcement agencies.

12 Sec. 7. Section 15-531, Arizona Revised Statutes, is amended to read:
13 15-531. Fees

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

15 1. THE issuance and evaluation, singly or both, ~~including OF ANY~~
16 provisional, basic or standard teaching certificate, ANY administrative,
17 specialized service, nurse, career and technical education, vocational
18 education or substitute CERTIFICATE, special subject endorsements including
19 ~~guidance-counselor~~ GUIDANCE COUNSELOR, art, music, physical education,
20 industrial arts, librarian or driver training, AND one-year and multiyear
21 certificates including adult education, emergency or intern certificates, not
22 less than twenty dollars and not more than thirty dollars.

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

26 3. THE administration and evaluation of the examination on the
27 Constitutions of the United States and Arizona. Fees for the examination on
28 the Constitutions of the United States and Arizona shall not exceed the fees
29 assessed by the test publisher.

30 4. THE administration and evaluation of the proficiency examination
31 for applicants for teaching certificates. Fees for the proficiency
32 examination shall not exceed the fees assessed by the test publisher.

33 B. The department of education, in collecting the fees authorized by
34 this section, may impose a convenience fee for transactions conducted using a
35 credit or debit card or other means of electronic payment. The convenience
36 fee shall be assessed on a per transaction basis. Pursuant to section
37 35-142, subsections K and R, the department shall continue to accept methods
38 of payment that are not subject to a convenience fee.

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

41 15-534.01. Withdrawal of applications for administrative
42 deficiencies; denial of applications for
43 substantive deficiencies; certification time
44 frames

45 A. If an application for certification is administratively incomplete,
46 as prescribed in title 41, chapter 6, article 7.1, the department of

1 education ~~or the state board of education~~ shall issue a written notice
2 requesting the applicant to supply missing documents or other information.
3 The department of education shall consider an application for certification
4 withdrawn if, within sixty days after the date of the notice, the applicant
5 does not supply the documentation or information requested or does not
6 provide reasonable documented justification for the delay. On receipt of
7 documented justification, the department of education shall provide an
8 additional thirty days for the requested documentation or information to be
9 provided before considering an application withdrawn.

10 B. If an application for certification is substantively incomplete, as
11 prescribed in title 41, chapter 6, article 7.1, the department of education
12 ~~or the state board of education~~ may issue a written notice requesting the
13 applicant to supply additional documents or other information. The ~~state~~
14 ~~board of education or the~~ department of education shall deny an application
15 for certification if, within sixty days after the date of the notice, the
16 applicant does not supply the documentation or information requested.

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

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

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

29 Sec. 9. Section 41-1750, Arizona Revised Statutes, is amended to read:
30 41-1750. Central state repository; department of public safety;
31 duties; funds; accounts; definitions

32 A. The department is responsible for the effective operation of the
33 central state repository in order to collect, store and disseminate complete
34 and accurate Arizona criminal history records and related criminal justice
35 information. The department shall:

36 1. Procure from all criminal justice agencies in this state accurate
37 and complete personal identification data, fingerprints, charges, process
38 control numbers and dispositions and such other information as may be
39 pertinent to all persons who have been charged with, arrested for, convicted
40 of or summoned to court as a criminal defendant for a felony offense or an
41 offense involving domestic violence as defined in section 13-3601 or a
42 violation of title 13, chapter 14 or title 28, chapter 4.

43 2. Collect information concerning the number and nature of offenses
44 known to have been committed in this state and of the legal steps taken in
45 connection with these offenses, such other information that is useful in the
46 study of crime and in the administration of criminal justice and all other

1 information deemed necessary to operate the statewide uniform crime reporting
2 program and to cooperate with the federal government uniform crime reporting
3 program.

4 3. Collect information concerning criminal offenses that manifest
5 evidence of prejudice based on race, color, religion, national origin, sexual
6 orientation, gender or disability.

7 4. Cooperate with the central state repositories in other states and
8 with the appropriate agency of the federal government in the exchange of
9 information pertinent to violators of the law.

10 5. Ensure the rapid exchange of information concerning the commission
11 of crime and the detection of violators of the law among the criminal justice
12 agencies of other states and of the federal government.

13 6. Furnish assistance to peace officers throughout this state in crime
14 scene investigation for the detection of latent fingerprints and in the
15 comparison of latent fingerprints.

16 7. Conduct periodic operational audits of the central state repository
17 and of a representative sample of other agencies that contribute records to
18 or receive criminal justice information from the central state repository or
19 through the Arizona criminal justice information system.

20 8. Establish and enforce the necessary physical and system safeguards
21 to ensure that the criminal justice information maintained and disseminated
22 by the central state repository or through the Arizona criminal justice
23 information system is appropriately protected from unauthorized inquiry,
24 modification, destruction or dissemination as required by this section.

25 9. Aid and encourage coordination and cooperation among criminal
26 justice agencies through the statewide and interstate exchange of criminal
27 justice information.

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

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

33 12. Provide criminal history record information to the fingerprinting
34 division for the purpose of screening applicants for fingerprint clearance
35 cards.

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

39 C. The chief officers of criminal justice agencies of this state or
40 its political subdivisions shall provide to the central state repository
41 fingerprints and information concerning personal identification data,
42 descriptions, crimes for which persons are arrested, process control numbers
43 and dispositions and such other information as may be pertinent to all
44 persons who have been charged with, arrested for, convicted of or summoned to
45 court as criminal defendants for felony offenses or offenses involving

1 domestic violence as defined in section 13-3601 or violations of title 13,
2 chapter 14 or title 28, chapter 4 that have occurred in this state.

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

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

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

15 G. The director shall authorize the exchange of criminal justice
16 information between the central state repository, or through the Arizona
17 criminal justice information system, whether directly or through any
18 intermediary, only as follows:

19 1. With criminal justice agencies of the federal government, Indian
20 tribes, this state or its political subdivisions and other states, on request
21 by the chief officers of such agencies or their designated representatives,
22 specifically for the purposes of the administration of criminal justice and
23 for evaluating the fitness of current and prospective criminal justice
24 employees.

25 2. With any noncriminal justice agency pursuant to a statute,
26 ordinance or executive order that specifically authorizes the noncriminal
27 justice agency to receive criminal history record information for the purpose
28 of evaluating the fitness of current or prospective licensees, employees,
29 contract employees or volunteers, on submission of the subject's fingerprints
30 and the prescribed fee. Each statute, ordinance, or executive order that
31 authorizes noncriminal justice agencies to receive criminal history record
32 information for these purposes shall identify the specific categories of
33 licensees, employees, contract employees or volunteers, and shall require
34 that fingerprints of the specified individuals be submitted in conjunction
35 with such requests for criminal history record information.

36 3. With the board of fingerprinting for the purpose of conducting good
37 cause exceptions pursuant to section 41-619.55 and central registry
38 exceptions pursuant to section 41-619.57.

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

41 5. With the governor, if the governor elects to become actively
42 involved in the investigation of criminal activity or the administration of
43 criminal justice in accordance with the governor's constitutional duty to
44 ensure that the laws are faithfully executed or as needed to carry out the
45 other responsibilities of the governor's office.

1 6. With regional computer centers that maintain authorized
2 computer-to-computer interfaces with the department, that are criminal
3 justice agencies or under the management control of a criminal justice agency
4 and that are established by a statute, ordinance or executive order to
5 provide automated data processing services to criminal justice agencies
6 specifically for the purposes of the administration of criminal justice or
7 evaluating the fitness of regional computer center employees who have access
8 to the Arizona criminal justice information system and the national crime
9 information center system.

10 7. With an individual who asserts a belief that criminal history
11 record information relating to the individual is maintained by an agency or
12 in an information system in this state that is subject to this section. On
13 submission of fingerprints, the individual may review this information for
14 the purpose of determining its accuracy and completeness by making
15 application to the agency operating the system. Rules adopted under this
16 section shall include provisions for administrative review and necessary
17 correction of any inaccurate or incomplete information. The review and
18 challenge process authorized by this paragraph is limited to criminal history
19 record information.

20 8. With individuals and agencies pursuant to a specific agreement with
21 a criminal justice agency to provide services required for the administration
22 of criminal justice pursuant to that agreement if the agreement specifically
23 authorizes access to data, limits the use of data to purposes for which given
24 and ensures the security and confidentiality of the data consistent with this
25 section.

26 9. With individuals and agencies for the express purpose of research,
27 evaluative or statistical activities pursuant to an agreement with a criminal
28 justice agency if the agreement specifically authorizes access to data,
29 limits the use of data to research, evaluative or statistical purposes and
30 ensures the confidentiality and security of the data consistent with this
31 section.

32 10. With the auditor general for audit purposes.

33 11. With central state repositories of other states for noncriminal
34 justice purposes for dissemination in accordance with the laws of those
35 states.

36 12. On submission of the fingerprint card, with the department of
37 child safety and a tribal social services agency to provide criminal history
38 record information on prospective adoptive parents for the purpose of
39 conducting the preadoption certification investigation under title 8, chapter
40 1, article 1 if the department of economic security is conducting the
41 investigation, or with an agency or a person appointed by the court, if the
42 agency or person is conducting the investigation. Information received under
43 this paragraph shall only be used for the purposes of the preadoption
44 certification investigation.

45 13. With the department of child safety, a tribal social services
46 agency and the superior court for the purpose of evaluating the fitness of

1 custodians or prospective custodians of juveniles, including parents,
2 relatives and prospective guardians. Information received under this
3 paragraph shall only be used for the purposes of that evaluation. The
4 information shall be provided on submission of either:

5 (a) The fingerprint card.

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

7 14. On submission of a fingerprint card, provide criminal history
8 record information to the superior court for the purpose of evaluating the
9 fitness of investigators appointed under section 14-5303 or 14-5407,
10 guardians appointed under section 14-5206 or 14-5304 or conservators
11 appointed under section 14-5401.

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

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

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

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

22 19. With licensees of the United States nuclear regulatory commission
23 for the purpose of determining whether an individual should be granted
24 unescorted access to the protected area of a commercial nuclear generating
25 station on submission of the subject of record's fingerprints and the
26 prescribed fee.

27 20. With the ~~state-board~~ DEPARTMENT of education for the purpose of
28 evaluating the fitness of a certificated teacher or administrator or an
29 applicant for a teaching or an administrative certificate, provided that the
30 ~~state-board~~ DEPARTMENT of education or its employees or agents have
31 reasonable suspicion that the certificated person engaged in conduct that
32 would be a criminal violation of the laws of this state or was involved in
33 immoral or unprofessional conduct or that the applicant engaged in conduct
34 that would warrant disciplinary action if the applicant were certificated at
35 the time of the alleged conduct. The information shall be provided on the
36 submission of either:

37 (a) The fingerprint card.

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

39 21. With each school district and charter school in this state. The
40 state board of education and the state board for charter schools shall
41 provide the department of public safety with a current list of e-mail
42 addresses for each school district and charter school in this state and shall
43 periodically provide the department of public safety with updated e-mail
44 addresses. If the department of public safety is notified that a person who
45 is required to have a fingerprint clearance card to be employed by or to
46 engage in volunteer activities at a school district or charter school has

1 been arrested for or convicted of an offense listed in section 41-1758.03,
2 subsection B or has been arrested for or convicted of an offense that amounts
3 to unprofessional conduct under section 15-550, the department of public
4 safety shall notify each school district and charter school in this state
5 that the person's fingerprint clearance card has been suspended or revoked.

6 22. With a tribal social services agency and the department of child
7 safety as provided by law, which currently is the Adam Walsh child protection
8 and safety act of 2006 (42 United States Code section 16961), for the
9 purposes of investigating or responding to reports of child abuse, neglect or
10 exploitation. Information received pursuant to this paragraph from the
11 national crime information center, the interstate identification index and
12 the Arizona criminal justice information system network shall only be used
13 for the purposes of investigating or responding as prescribed in this
14 paragraph. The information shall be provided on submission to the department
15 of public safety of either:

16 (a) The fingerprints of the person being investigated.

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

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

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

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

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

30 J. The director shall establish a fee in an amount necessary to cover
31 the cost of federal noncriminal justice fingerprint processing for criminal
32 history record information checks that are authorized by law for noncriminal
33 justice employment, licensing or other lawful purposes. An additional fee
34 may be charged by the department for state noncriminal justice fingerprint
35 processing. Fees submitted to the department for state noncriminal justice
36 fingerprint processing are not refundable.

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

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

1 M. A fingerprint account within the records processing fund is
2 established for the purpose of separately accounting for the collection and
3 payment of fees for noncriminal justice fingerprint processing by the
4 department. Monies collected for this purpose shall be credited to the
5 account, and payments by the department to the United States for federal
6 noncriminal justice fingerprint processing shall be charged against the
7 account. Monies in the account not required for payment to the United States
8 shall be used by the department in support of the department's noncriminal
9 justice fingerprint processing duties. At the end of each fiscal year, any
10 balance in the account not required for payment to the United States or to
11 support the department's noncriminal justice fingerprint processing duties
12 reverts to the state general fund.

13 N. A records processing fund is established for the purpose of
14 separately accounting for the collection and payment of fees for department
15 reports and photographs of traffic accident scenes processed by the
16 department. Monies collected for this purpose shall be credited to the fund
17 and shall be used by the department in support of functions related to
18 providing copies of department reports and photographs. At the end of each
19 fiscal year, any balance in the fund not required for support of the
20 functions related to providing copies of department reports and photographs
21 reverts to the state general fund.

22 O. The department of child safety may pay from appropriated monies the
23 cost of federal fingerprint processing or federal criminal history record
24 information checks that are authorized by law for employees and volunteers of
25 the department, guardians pursuant to section 8-453, subsection A,
26 paragraph 6, the licensing of foster parents or the certification of adoptive
27 parents.

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

- 29 1. The collection and disposition of fees pursuant to this section.
30 2. The refusal of service to those agencies that are delinquent in
31 paying these fees.

32 Q. The director shall ensure that the following limitations are
33 observed regarding dissemination of criminal justice information obtained
34 from the central state repository or through the Arizona criminal justice
35 information system:

36 1. Any criminal justice agency that obtains criminal justice
37 information from the central state repository or through the Arizona criminal
38 justice information system assumes responsibility for the security of the
39 information and shall not secondarily disseminate this information to any
40 individual or agency not authorized to receive this information directly from
41 the central state repository or originating agency.

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

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

5 4. The existence or nonexistence of criminal history record
6 information shall not be confirmed to any individual or agency not authorized
7 to receive the information itself.

8 5. Criminal history record information to be released for noncriminal
9 justice purposes to agencies of other states shall only be released to the
10 central state repositories of those states for dissemination in accordance
11 with the laws of those states.

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

15 R. This section and the rules adopted under this section apply to all
16 agencies and individuals collecting, storing or disseminating criminal
17 justice information processed by manual or automated operations if the
18 collection, storage or dissemination is funded in whole or in part with
19 monies made available by the law enforcement assistance administration after
20 July 1, 1973, pursuant to title I of the crime control act of 1973, and to
21 all agencies that interact with or receive criminal justice information from
22 or through the central state repository and through the Arizona criminal
23 justice information system.

24 S. This section does not apply to criminal history record information
25 contained in:

26 1. Posters, arrest warrants, announcements or lists for identifying or
27 apprehending fugitives or wanted persons.

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

32 3. Transcripts or records of judicial proceedings if released by a
33 court or legislative or administrative proceedings.

34 4. Announcements of executive clemency or pardon.

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

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

1 U. In order to ensure that complete and accurate criminal history
2 record information is maintained and disseminated by the central state
3 repository:

4 1. The arresting authority shall take legible ten-print fingerprints
5 of all persons who are arrested for offenses listed in subsection C of this
6 section including persons who are arrested and released pursuant to section
7 13-3903, subsection C. The arresting authority may transfer an arrestee to a
8 booking agency for ten-print fingerprinting. If the booking agency cannot
9 determine whether legible ten-print fingerprints were taken from the
10 arrestee, the booking agency shall take the arrestee's ten-print
11 fingerprints. The arresting authority or booking agency shall obtain a
12 process control number and provide to the person fingerprinted a document
13 that indicates proof of the fingerprinting and that informs the person that
14 the document must be presented to the court.

15 2. The mandatory fingerprint compliance form shall contain the
16 following information:

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

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

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

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

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

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

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

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

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

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

45 7. In every criminal case in which the defendant is incarcerated or
46 fingerprinted as a result of the charge, an originating law enforcement

1 agency or prosecutor, within forty days of the disposition, shall advise the
2 central state repository of all dispositions concerning the termination of
3 criminal proceedings against an individual arrested for an offense specified
4 in subsection C of this section. This information shall be submitted on a
5 form or in a manner required by the department.

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

13 9. The state department of corrections or the department of juvenile
14 corrections, within forty days, shall advise the central state repository
15 that it has assumed supervision of a person convicted of an offense specified
16 in subsection C of this section or section 8-341, subsection V, paragraph 3.
17 The state department of corrections or the department of juvenile corrections
18 shall also report dispositions that occur thereafter to the central state
19 repository within forty days of the date of the dispositions. This
20 information shall be submitted on a form or in a manner required by the
21 department of public safety.

22 10. Each criminal justice agency shall query the central state
23 repository before dissemination of any criminal history record information to
24 ensure the completeness of the information. Inquiries shall be made before
25 any dissemination except in those cases in which time is of the essence and
26 the repository is technically incapable of responding within the necessary
27 time period. If time is of the essence, the inquiry shall still be made and
28 the response shall be provided as soon as possible.

29 V. The director shall adopt rules specifying that any agency that
30 collects, stores or disseminates criminal justice information that is subject
31 to this section shall establish effective security measures to protect the
32 information from unauthorized access, disclosure, modification or
33 dissemination. The rules shall include reasonable safeguards to protect the
34 affected information systems from fire, flood, wind, theft, sabotage or other
35 natural or man-made hazards or disasters.

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

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

44 Y. For the purposes of this section:

45 1. "Administration of criminal justice" means performance of the
46 detection, apprehension, detention, pretrial release, posttrial release,

1 prosecution, adjudication, correctional supervision or rehabilitation of
2 criminal offenders. Administration of criminal justice includes enforcement
3 of criminal traffic offenses and civil traffic violations, including parking
4 violations, when performed by a criminal justice agency. Administration of
5 criminal justice also includes criminal identification activities and the
6 collection, storage and dissemination of criminal history record information.

7 2. "Administrative records" means records that contain adequate and
8 proper documentation of the organization, functions, policies, decisions,
9 procedures and essential transactions of the agency and that are designed to
10 furnish information to protect the rights of this state and of persons
11 directly affected by the agency's activities.

12 3. "Arizona criminal justice information system" or "system" means the
13 statewide information system managed by the director for the collection,
14 processing, preservation, dissemination and exchange of criminal justice
15 information and includes the electronic equipment, facilities, procedures and
16 agreements necessary to exchange this information.

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

20 5. "Criminal history record information" and "criminal history record"
21 means information that is collected by criminal justice agencies on
22 individuals and that consists of identifiable descriptions and notations of
23 arrests, detentions, indictments and other formal criminal charges, and any
24 disposition arising from those actions, sentencing, formal correctional
25 supervisory action and release. Criminal history record information and
26 criminal history record do not include identification information to the
27 extent that the information does not indicate involvement of the individual
28 in the criminal justice system or information relating to juveniles unless
29 they have been adjudicated as adults.

30 6. "Criminal justice agency" means either:

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

34 (b) A government agency or subunit of a government agency that is
35 specifically authorized to perform as its principal function the
36 administration of criminal justice pursuant to a statute, ordinance or
37 executive order and that allocates more than fifty percent of its annual
38 budget to the administration of criminal justice. This subdivision includes
39 agencies of any foreign sovereignty duly recognized by the federal
40 government.

41 7. "Criminal justice information" means information that is collected
42 by criminal justice agencies and that is needed for the performance of their
43 legally authorized and required functions, such as criminal history record
44 information, citation information, stolen property information, traffic
45 accident reports, wanted persons information and system network log searches.

1 Criminal justice information does not include the administrative records of a
2 criminal justice agency.

3 8. "Disposition" means information disclosing that a decision has been
4 made not to bring criminal charges or that criminal proceedings have been
5 concluded or information relating to sentencing, correctional supervision,
6 release from correctional supervision, the outcome of an appellate review of
7 criminal proceedings or executive clemency.

8 9. "Dissemination" means the written, oral or electronic communication
9 or transfer of criminal justice information to individuals and agencies other
10 than the criminal justice agency that maintains the information.
11 Dissemination includes the act of confirming the existence or nonexistence of
12 criminal justice information.

13 10. "Management control":

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

15 (i) Priorities regarding development and operation of criminal justice
16 information systems and programs.

17 (ii) Standards for the selection, supervision and termination of
18 personnel involved in the development of criminal justice information systems
19 and programs and in the collection, maintenance, analysis and dissemination
20 of criminal justice information.

21 (iii) Policies governing the operation of computers, circuits and
22 telecommunications terminals used to process criminal justice information to
23 the extent that the equipment is used to process, store or transmit criminal
24 justice information.

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

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

32 12. "Secondary dissemination" means the dissemination of criminal
33 justice information from an individual or agency that originally obtained the
34 information from the central state repository or through the Arizona criminal
35 justice information system to another individual or agency.

36 13. "Sexual orientation" means consensual homosexuality or
37 heterosexuality.

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

40 Sec. 10. Transition plan

41 On or before August 1, 2016, the state board of education and the
42 department of education shall jointly develop, implement and submit a
43 transition plan to the governor, the president of the senate and the speaker
44 of the house of representatives for all investigative unit personnel and
45 administrative matters, whether completed, pending or in process, at the
46 state board to be transferred to the department of education. A copy of the

1 transition plan shall be submitted to the secretary of state. The transition
2 plan shall also include jointly agreed-on conforming changes needed for
3 proposed legislation.

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

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

8 Sec. 12. Fund transfers; superintendent of public instruction;
9 fiscal year 2016-2017

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

- 12 1. \$231,200 from the state general fund.
- 13 2. \$379,800 from the teacher certification fund established by section
14 15-248.02, Arizona Revised Statutes.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.