



Bill Number: H.B. 2620

Dial Floor Amendment

Reference to: House engrossed bill

Amendment drafted by: Catcher Baden

FLOOR AMENDMENT EXPLANATION

- 1. Eliminates the fee increase for certificate renewal.**
- 2. Delineates the powers and duties of the State Board of Education and the Department of Education concerning staff.**
- 3. Specifies the Superintendent of Public Instruction shall execute the State Board's policies.**
- 4. Transfers the investigative unit to the Department of Education.**
- 5. Transfers FTEs and monies from the State Board to the Superintendent.**
- 6. Increases the statutory number of the State Board of Education to conform to the state Constitution.**

Amendment explanation prepared by Catcher Baden

5/3/2016

DIAL FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2620
(Reference to House engrossed bill)

1 Page 1, between lines 1 and 2, insert:

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.

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

5 Sec. 3. Section 15-203, Arizona Revised Statutes, is amended to read:
6 15-203. Powers and duties

7 A. The state board of education shall:

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

11 2. Keep a record of its proceedings.

12 3. Make rules for its own government.

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

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

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

18 7. Delegate to the superintendent of public instruction the execution
19 of board policies and rules.

20 8. Recommend to the legislature changes or additions to the statutes
21 pertaining to schools.

22 9. Prepare, publish and distribute reports concerning the educational
23 welfare of this state.

24 10. Prepare a budget for expenditures necessary for proper maintenance
25 of the board and accomplishment of its purposes and present the budget to the
26 legislature.

27 11. Aid in the enforcement of laws relating to schools.

28 12. Prescribe a minimum course of study in the common schools, minimum
29 competency requirements for the promotion of pupils from the third grade and
30 minimum course of study and competency requirements for the promotion of
31 pupils from the eighth grade. The state board of education shall prepare a
32 fiscal impact statement of any proposed changes to the minimum course of
33 study or competency requirements and, on completion, shall send a copy to the
34 director of the joint legislative budget committee and the executive director
35 of the school facilities board. The state board of education shall not adopt

1 any changes in the minimum course of study or competency requirements in
2 effect on July 1, 1998 that will have a fiscal impact on school capital
3 costs.

4 13. Prescribe minimum course of study and competency requirements for
5 the graduation of pupils from high school. The state board of education
6 shall prepare a fiscal impact statement of any proposed changes to the
7 minimum course of study or competency requirements and, on completion, shall
8 send a copy to the director of the joint legislative budget committee and the
9 executive director of the school facilities board. The state board of
10 education shall not adopt any changes in the minimum course of study or
11 competency requirements in effect on July 1, 1998 that will have a fiscal
12 impact on school capital costs.

13 14. Supervise and control the certification of persons engaged in
14 instructional work directly as any classroom, laboratory or other teacher or
15 indirectly as a supervisory teacher, speech therapist, principal or
16 superintendent in a school district, including school district preschool
17 programs, or any other educational institution below the community college,
18 college or university level, and prescribe rules for certification, including
19 rules for certification of teachers who have teaching experience and who are
20 trained in other states, that are not unnecessarily restrictive and are
21 substantially similar to the rules prescribed for the certification of
22 teachers trained in this state. The rules:

23 (a) Shall allow a variety of alternative teacher and administrator
24 preparation programs, with variations in program sequence and design, to
25 apply for program approval. The state board shall adopt rules pursuant to
26 this subdivision designed to allow for a variety of formats and shall not
27 require a prescribed answer or design from the program provider in order to
28 obtain approval from the state board. The state board shall evaluate each
29 program provider based on the program's ability to prepare teachers and
30 administrators and to recruit teachers and administrators with a variety of
31 experiences and talents. The state board shall permit universities under the
32 jurisdiction of the Arizona board of regents, community colleges in this
33 state, private postsecondary institutions licensed by this state, school
34 districts, charter schools and professional organizations to apply for
35 program approval and shall create application procedures and certification

1 criteria that are less restrictive than those for traditional preparation
2 programs. Alternative preparation program graduates shall:

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

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

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

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

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

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

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

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

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

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

25 (f) Shall provide for the issuance of a specialized teaching
26 certificate to classroom teachers with expertise in either science,
27 technology, engineering or mathematics. Teachers who are certified pursuant
28 to this subdivision shall complete training in structured English immersion
29 as prescribed by the state board. Teachers who are certified pursuant to
30 this subdivision are exempt from the professional knowledge and subject
31 knowledge proficiency requirements prescribed in section 15-533 and from the
32 proficiency requirements prescribed in section 15-532 on the Constitutions of
33 the United States and Arizona. A teacher who obtains a specialized teaching
34 certificate pursuant to this subdivision may provide instruction in the
35 teacher's field of expertise in grades six through twelve at any public

1 school in this state. This subdivision does not require a teacher who has
2 obtained another type of teaching certificate from the state board to obtain
3 a specialized teaching certificate pursuant to this subdivision in order to
4 provide instruction in grades six through twelve in a science, technology,
5 engineering or mathematics course. A classroom teacher is eligible for a
6 specialized teaching certificate pursuant to this subdivision if the teacher
7 meets all of the following requirements:

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

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

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

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

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

1 16. Adopt rules governing the methods for the administration of all
2 proficiency examinations.

3 17. Adopt proficiency examinations for its use. The state board of
4 education shall determine the passing score for the proficiency ~~examination~~
5 **EXAMINATIONS**.

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

9 19. Supervise and control the qualifications of professional
10 nonteaching school personnel and prescribe standards relating to
11 qualifications. The standards shall not require the business manager of a
12 school district to obtain certification from the state board of education.

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

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

18 22. Adopt a rule to promote braille literacy pursuant to section
19 15-214.

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

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

27 25. Develop and maintain a handbook for use in the schools of this
28 state that provides guidance for the teaching of moral, civic and ethical
29 education. The handbook shall promote existing curriculum frameworks and
30 shall encourage school districts to recognize moral, civic and ethical values
31 within instructional and programmatic educational development programs for
32 the general purpose of instilling character and ethical principles in pupils
33 in kindergarten programs and grades one through twelve.

34 26. Require pupils to recite the following passage from the
35 declaration of independence for pupils in grades four through six at the

1 commencement of the first class of the day in the schools, except that a
2 pupil shall not be required to participate if the pupil or the pupil's parent
3 or guardian objects:

4 We hold these truths to be self-evident, that all men are
5 created equal, that they are endowed by their creator with
6 certain unalienable rights, that among these are life, liberty
7 and the pursuit of happiness. That to secure these rights,
8 governments are instituted among men, deriving their just powers
9 from the consent of the governed. . . .

10 27. Adopt rules that provide for educator certification reciprocity.
11 The rules for issuance of a comparable reciprocal educator certificate shall
12 include a requirement that the applicant possess a comparable valid
13 certification from another state.

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

17 (a) Currently resides in this state.

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

22 29. Cooperate with the Arizona-Mexico commission in the governor's
23 office and with researchers at universities in this state to collect data and
24 conduct projects in the United States and Mexico on issues that are within
25 the scope of the duties of the department of education and that relate to
26 quality of life, trade and economic development in this state in a manner
27 that will help the Arizona-Mexico commission to assess and enhance the
28 economic competitiveness of this state and of the Arizona-Mexico region.

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

32 31. Adopt guidelines to encourage pupils in grades nine, ten, eleven
33 and twelve to volunteer for twenty hours of community service before
34 graduation from high school. A school district that complies with the
35 guidelines adopted pursuant to this paragraph is not liable for damages

1 resulting from a pupil's participation in community service unless the school
2 district is found to have demonstrated wanton or reckless disregard for the
3 safety of the pupil and other participants in community service. For the
4 purposes of this paragraph, "community service" may include service learning.
5 The guidelines shall include the following:

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

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

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

11 (d) Orientation and notification procedures of community service
12 opportunities for pupils entering grade nine, including the development of a
13 notification form. The notification form shall be signed by the pupil and
14 the pupil's parent or guardian, except that a pupil shall not be required to
15 participate in community service if the parent or guardian notifies the
16 principal of the pupil's school in writing that the parent or guardian does
17 not wish the pupil to participate in community service.

18 (e) Procedures for a pupil in grade nine to prepare a written proposal
19 that outlines the type of community service that the pupil would like to
20 perform and the goals that the pupil hopes to achieve as a result of
21 community service. The pupil's written proposal shall be reviewed by a
22 faculty advisor, a guidance counselor or any other school employee who is
23 designated as the community service program coordinator for that school. The
24 pupil may alter the written proposal at any time before performing community
25 service.

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

30 32. To facilitate the transfer of military personnel and their
31 dependents to and from the public schools of this state, pursue, in
32 cooperation with the Arizona board of regents, reciprocity agreements with
33 other states concerning the transfer credits for military personnel and their
34 dependents. A reciprocity agreement entered into pursuant to this paragraph
35 shall:

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

2 (i) The transfer of student records.

3 (ii) Awarding credit for completed coursework.

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

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

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

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

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

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

1 subsection D from certification pursuant to this title for at least ten years
2 after the date of the violation.

3 37. Adopt rules for the alternative certification of teachers of
4 nontraditional foreign languages that allow for the passing of a nationally
5 accredited test to substitute for the education coursework required for
6 certification.

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

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

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

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

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

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

13 (a) Annual training in the administration of auto-injectable
14 epinephrine, as directed on the prescription protocol, for designated medical
15 and nonmedical school personnel. The annual training prescribed in this
16 subdivision is optional during any fiscal year in which sufficient monies are
17 not appropriated by the legislature during that fiscal year to provide for
18 the purchase of two juvenile doses and two adult doses of ~~auto-injectable~~
19 epinephrine **AUTO-INJECTORS** at each public school in this state and if the
20 school does not stock two juvenile doses and two adult doses of
21 ~~auto-injectable~~ epinephrine **AUTO-INJECTORS** at the school during that fiscal
22 year.

23 (b) Annual training for all school site personnel on the recognition
24 of anaphylactic shock symptoms and the procedures to follow when anaphylactic
25 shock occurs, following the national guidelines of the American academy of
26 pediatrics. The annual training prescribed in this subdivision is optional
27 during any fiscal year in which sufficient monies are not appropriated by the
28 legislature during that fiscal year to provide for the purchase of two
29 juvenile doses and two adult doses of ~~auto-injectable~~ epinephrine
30 **AUTO-INJECTORS** at each public school in this state and if the school does not
31 stock two juvenile doses and two adult doses of ~~auto-injectable~~ epinephrine
32 **AUTO-INJECTORS** at the school during that fiscal year.

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

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

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

9 B. The state board of education may:

10 1. Contract.

11 2. Sue and be sued.

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

14 4. Provide for an advisory committee to conduct hearings and
15 screenings to determine whether grounds exist to impose disciplinary action
16 against a certificated person, whether grounds exist to reinstate a revoked
17 or surrendered certificate and whether grounds exist to approve or deny an
18 initial application for certification or a request for renewal of a
19 certificate. The board may delegate its responsibility to conduct hearings
20 and screenings to its advisory committee. Hearings shall be conducted
21 pursuant to title 41, chapter 6, article 6.

22 5. Proceed with the disposal of any complaint requesting disciplinary
23 action or with any disciplinary action against a person holding a certificate
24 as prescribed in subsection A, paragraph 14 of this section after the
25 suspension or expiration of the certificate or surrender of the certificate
26 by the holder.

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

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

33 **15-231. Department of education**

34 A. There is created a department of education.

35 B. The department shall be administered through:

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

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

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

11 D. The department shall be conducted under the control of the
12 superintendent of public instruction.

13 Sec. 5. Section 15-251, Arizona Revised Statutes, is amended to read:
14 15-251. Powers and duties

15 The superintendent of public instruction shall:

16 1. Superintend the schools of this state.

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

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

22 ~~4. Direct the work of all employees of the board who shall be~~
23 ~~employees of the department of education.~~

24 ~~5.~~ 4. Execute, under the direction of the state board of education,
25 the policies ~~which~~ THAT have been decided ~~upon~~ ON by the state board.

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

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

34 7. PROVIDE INFORMATION TO THE STATE BOARD OF EDUCATION RELATED TO THE
35 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 Renumber to conform

25 Page 1, line 16, strike "~~, not less than ten dollars and not more than twenty~~
26 ~~dollars~~" insert ", not less than ten dollars and not more than twenty
27 dollars"

28 After line 29, insert:

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

31 15-534.01. Withdrawal of applications for administrative
32 deficiencies; denial of applications for
33 substantive deficiencies; certification time frames

34 A. If an application for certification is administratively incomplete,
35 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:

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

8 2. Collect information concerning the number and nature of offenses
9 known to have been committed in this state and of the legal steps taken in
10 connection with these offenses, such other information that is useful in the
11 study of crime and in the administration of criminal justice and all other
12 information deemed necessary to operate the statewide uniform crime reporting
13 program and to cooperate with the federal government uniform crime reporting
14 program.

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

18 4. Cooperate with the central state repositories in other states and
19 with the appropriate agency of the federal government in the exchange of
20 information pertinent to violators of the law.

21 5. Ensure the rapid exchange of information concerning the commission
22 of crime and the detection of violators of the law among the criminal justice
23 agencies of other states and of the federal government.

24 6. Furnish assistance to peace officers throughout this state in crime
25 scene investigation for the detection of latent fingerprints and in the
26 comparison of latent fingerprints.

27 7. Conduct periodic operational audits of the central state repository
28 and of a representative sample of other agencies that contribute records to
29 or receive criminal justice information from the central state repository or
30 through the Arizona criminal justice information system.

31 8. Establish and enforce the necessary physical and system safeguards
32 to ensure that the criminal justice information maintained and disseminated
33 by the central state repository or through the Arizona criminal justice
34 information system is appropriately protected from unauthorized inquiry,
35 modification, destruction or dissemination as required by this section.

1 9. Aid and encourage coordination and cooperation among criminal
2 justice agencies through the statewide and interstate exchange of criminal
3 justice information.

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

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

9 12. Provide criminal history record information to the fingerprinting
10 division for the purpose of screening applicants for fingerprint clearance
11 cards.

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

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

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

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

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

1 G. The director shall authorize the exchange of criminal justice
2 information between the central state repository, or through the Arizona
3 criminal justice information system, whether directly or through any
4 intermediary, only as follows:

5 1. With criminal justice agencies of the federal government, Indian
6 tribes, this state or its political subdivisions and other states, on request
7 by the chief officers of such agencies or their designated representatives,
8 specifically for the purposes of the administration of criminal justice and
9 for evaluating the fitness of current and prospective criminal justice
10 employees.

11 2. With any noncriminal justice agency pursuant to a statute,
12 ordinance or executive order that specifically authorizes the noncriminal
13 justice agency to receive criminal history record information for the purpose
14 of evaluating the fitness of current or prospective licensees, employees,
15 contract employees or volunteers, on submission of the subject's fingerprints
16 and the prescribed fee. Each statute, ordinance, or executive order that
17 authorizes noncriminal justice agencies to receive criminal history record
18 information for these purposes shall identify the specific categories of
19 licensees, employees, contract employees or volunteers, and shall require
20 that fingerprints of the specified individuals be submitted in conjunction
21 with such requests for criminal history record information.

22 3. With the board of fingerprinting for the purpose of conducting good
23 cause exceptions pursuant to section 41-619.55 and central registry
24 exceptions pursuant to section 41-619.57.

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

27 5. With the governor, if the governor elects to become actively
28 involved in the investigation of criminal activity or the administration of
29 criminal justice in accordance with the governor's constitutional duty to
30 ensure that the laws are faithfully executed or as needed to carry out the
31 other responsibilities of the governor's office.

32 6. With regional computer centers that maintain authorized
33 computer-to-computer interfaces with the department, that are criminal
34 justice agencies or under the management control of a criminal justice agency
35 and that are established by a statute, ordinance or executive order to

1 provide automated data processing services to criminal justice agencies
2 specifically for the purposes of the administration of criminal justice or
3 evaluating the fitness of regional computer center employees who have access
4 to the Arizona criminal justice information system and the national crime
5 information center system.

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

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

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

28 10. With the auditor general for audit purposes.

29 11. With central state repositories of other states for noncriminal
30 justice purposes for dissemination in accordance with the laws of those
31 states.

32 12. On submission of the fingerprint card, with the department of
33 child safety and a tribal social services agency to provide criminal history
34 record information on prospective adoptive parents for the purpose of
35 conducting the preadoption certification investigation under title 8, chapter

1 1, article 1 if the department of economic security is conducting the
2 investigation, or with an agency or a person appointed by the court, if the
3 agency or person is conducting the investigation. Information received under
4 this paragraph shall only be used for the purposes of the preadoption
5 certification investigation.

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

12 (a) The fingerprint card.

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

14 14. On submission of a fingerprint card, provide criminal history
15 record information to the superior court for the purpose of evaluating the
16 fitness of investigators appointed under section 14-5303 or 14-5407,
17 guardians appointed under section 14-5206 or 14-5304 or conservators
18 appointed under section 14-5401.

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

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

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

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

29 19. With licensees of the United States nuclear regulatory commission
30 for the purpose of determining whether an individual should be granted
31 unescorted access to the protected area of a commercial nuclear generating
32 station on submission of the subject of record's fingerprints and the
33 prescribed fee.

34 20. With the ~~state board~~ DEPARTMENT of education for the purpose of
35 evaluating the fitness of a certificated teacher or administrator or an

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

9 (a) The fingerprint card.

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

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

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

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

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

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

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

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

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

13 J. The director shall establish a fee in an amount necessary to cover
14 the cost of federal noncriminal justice fingerprint processing for criminal
15 history record information checks that are authorized by law for noncriminal
16 justice employment, licensing or other lawful purposes. An additional fee
17 may be charged by the department for state noncriminal justice fingerprint
18 processing. Fees submitted to the department for state noncriminal justice
19 fingerprint processing are not refundable.

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

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

30 M. A fingerprint account within the records processing fund is
31 established for the purpose of separately accounting for the collection and
32 payment of fees for noncriminal justice fingerprint processing by the
33 department. Monies collected for this purpose shall be credited to the
34 account, and payments by the department to the United States for federal
35 noncriminal justice fingerprint processing shall be charged against the

1 account. Monies in the account not required for payment to the United States
2 shall be used by the department in support of the department's noncriminal
3 justice fingerprint processing duties. At the end of each fiscal year, any
4 balance in the account not required for payment to the United States or to
5 support the department's noncriminal justice fingerprint processing duties
6 reverts to the state general fund.

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

16 O. The department of child safety may pay from appropriated monies the
17 cost of federal fingerprint processing or federal criminal history record
18 information checks that are authorized by law for employees and volunteers of
19 the department, guardians pursuant to section 8-453, subsection A, paragraph
20 6, the licensing of foster parents or the certification of adoptive parents.

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

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

25 Q. The director shall ensure that the following limitations are
26 observed regarding dissemination of criminal justice information obtained
27 from the central state repository or through the Arizona criminal justice
28 information system:

- 29 1. Any criminal justice agency that obtains criminal justice
30 information from the central state repository or through the Arizona criminal
31 justice information system assumes responsibility for the security of the
32 information and shall not secondarily disseminate this information to any
33 individual or agency not authorized to receive this information directly from
34 the central state repository or originating agency.

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

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

9 4. The existence or nonexistence of criminal history record
10 information shall not be confirmed to any individual or agency not authorized
11 to receive the information itself.

12 5. Criminal history record information to be released for noncriminal
13 justice purposes to agencies of other states shall only be released to the
14 central state repositories of those states for dissemination in accordance
15 with the laws of those states.

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

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

28 S. This section does not apply to criminal history record information
29 contained in:

30 1. Posters, arrest warrants, announcements or lists for identifying or
31 apprehending fugitives or wanted persons.

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

1 3. Transcripts or records of judicial proceedings if released by a
2 court or legislative or administrative proceedings.

3 4. Announcements of executive clemency or pardon.

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

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

14 U. In order to ensure that complete and accurate criminal history
15 record information is maintained and disseminated by the central state
16 repository:

17 1. The arresting authority shall take legible ten-print fingerprints
18 of all persons who are arrested for offenses listed in subsection C of this
19 section including persons who are arrested and released pursuant to section
20 13-3903, subsection C. The arresting authority may transfer an arrestee to a
21 booking agency for ten-print fingerprinting. If the booking agency cannot
22 determine whether legible ten-print fingerprints were taken from the
23 arrestee, the booking agency shall take the arrestee's ten-print
24 fingerprints. The arresting authority or booking agency shall obtain a
25 process control number and provide to the person fingerprinted a document
26 that indicates proof of the fingerprinting and that informs the person that
27 the document must be presented to the court.

28 2. The mandatory fingerprint compliance form shall contain the
29 following information:

- 30 (a) Whether ten-print fingerprints have been obtained from the person.
31 (b) Whether a process control number was obtained.
32 (c) The offense or offenses for which the process control number was
33 obtained.
34 (d) Any report number of the arresting authority.

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

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

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

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

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

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

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

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

1 submitted on a form or in a manner specified by rules approved by the supreme
2 court.

3 9. The state department of corrections or the department of juvenile
4 corrections, within forty days, shall advise the central state repository
5 that it has assumed supervision of a person convicted of an offense specified
6 in subsection C of this section or section 8-341, subsection V, paragraph 3.
7 The state department of corrections or the department of juvenile corrections
8 shall also report dispositions that occur thereafter to the central state
9 repository within forty days of the date of the dispositions. This
10 information shall be submitted on a form or in a manner required by the
11 department of public safety.

12 10. Each criminal justice agency shall query the central state
13 repository before dissemination of any criminal history record information to
14 ensure the completeness of the information. Inquiries shall be made before
15 any dissemination except in those cases in which time is of the essence and
16 the repository is technically incapable of responding within the necessary
17 time period. If time is of the essence, the inquiry shall still be made and
18 the response shall be provided as soon as possible.

19 V. The director shall adopt rules specifying that any agency that
20 collects, stores or disseminates criminal justice information that is subject
21 to this section shall establish effective security measures to protect the
22 information from unauthorized access, disclosure, modification or
23 dissemination. The rules shall include reasonable safeguards to protect the
24 affected information systems from fire, flood, wind, theft, sabotage or other
25 natural or man-made hazards or disasters.

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

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

34 Y. For the purposes of this section:

1 1. "Administration of criminal justice" means performance of the
2 detection, apprehension, detention, pretrial release, posttrial release,
3 prosecution, adjudication, correctional supervision or rehabilitation of
4 criminal offenders. Administration of criminal justice includes enforcement
5 of criminal traffic offenses and civil traffic violations, including parking
6 violations, when performed by a criminal justice agency. Administration of
7 criminal justice also includes criminal identification activities and the
8 collection, storage and dissemination of criminal history record information.

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

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

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

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

32 6. "Criminal justice agency" means either:

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

1 (b) A government agency or subunit of a government agency that is
2 specifically authorized to perform as its principal function the
3 administration of criminal justice pursuant to a statute, ordinance or
4 executive order and that allocates more than fifty percent of its annual
5 budget to the administration of criminal justice. This subdivision includes
6 agencies of any foreign sovereignty duly recognized by the federal
7 government.

8 7. "Criminal justice information" means information that is collected
9 by criminal justice agencies and that is needed for the performance of their
10 legally authorized and required functions, such as criminal history record
11 information, citation information, stolen property information, traffic
12 accident reports, wanted persons information and system network log searches.
13 Criminal justice information does not include the administrative records of a
14 criminal justice agency.

15 8. "Disposition" means information disclosing that a decision has been
16 made not to bring criminal charges or that criminal proceedings have been
17 concluded or information relating to sentencing, correctional supervision,
18 release from correctional supervision, the outcome of an appellate review of
19 criminal proceedings or executive clemency.

20 9. "Dissemination" means the written, oral or electronic communication
21 or transfer of criminal justice information to individuals and agencies other
22 than the criminal justice agency that maintains the information.
23 Dissemination includes the act of confirming the existence or nonexistence of
24 criminal justice information.

25 10. "Management control":

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

27 (i) Priorities regarding development and operation of criminal justice
28 information systems and programs.

29 (ii) Standards for the selection, supervision and termination of
30 personnel involved in the development of criminal justice information systems
31 and programs and in the collection, maintenance, analysis and dissemination
32 of criminal justice information.

33 (iii) Policies governing the operation of computers, circuits and
34 telecommunications terminals used to process criminal justice information to

1 the extent that the equipment is used to process, store or transmit criminal
2 justice information.

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

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

10 12. "Secondary dissemination" means the dissemination of criminal
11 justice information from an individual or agency that originally obtained the
12 information from the central state repository or through the Arizona criminal
13 justice information system to another individual or agency.

14 13. "Sexual orientation" means consensual homosexuality or
15 heterosexuality.

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

18 Sec. 10. Transition plan

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

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

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

32 Sec. 12. Fund transfers; superintendent of public instruction;
33 fiscal year 2016-2017

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

Senate Amendments to H.B. 2620

- 1 1. \$231,200 from the state general fund.
- 2 2. \$379,800 from the teacher certification fund established by section
- 3 15-248.02, Arizona Revised Statutes."
- 4 Amend title to conform

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