

ARTICLE 13. CONDUCT

R7-2-1301. Definitions

In this Article, unless the context otherwise specifies:

1. “Alleging party” means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character or other agency who completes a statement alleging immoral or unprofessional conduct against a certificated individual.
2. “Applicant” means a person who has submitted an application to the Department requesting an evaluation of the requirements set forth in R7-2-601 et seq., requesting issuance of a certificate pursuant to R7-2-601 et seq., requesting renewal of a certificate issued pursuant to R7-2-601 et seq. or requesting changes of coding to existing files or certificates pursuant to R7-2-601 et seq.
3. “Board” means the State Board of Education.
4. “Certificated individual” means an individual who holds an Arizona certificate issued pursuant to R7-2-601 et seq.
5. “Complaint” means the filing of a charge by the Board against a certificated individual alleging immoral or unprofessional conduct.
6. “Department” means the Arizona Department of Education.
7. “Hearing” means an adjudicative proceeding held pursuant to Title 41, Chapter 6 and R7-2-701 et seq.
8. “PPAC” means the Professional Practices Advisory Committee established pursuant to R7-2-205.

R7-2-1302. Statement of Allegations

- A. Any person may file, with the Department, a statement of allegations against a certificated individual on forms provided by the Department.
- B. A statement of allegations shall state the facts under which a party is alleging immoral or unprofessional conduct and shall be signed and notarized.
- C. The facts in a statement of allegations shall clearly state the details of the alleged immoral or unprofessional conduct.
- D. A statement of allegations shall contain the names, addresses and telephone numbers of individuals who can be contacted to provide information regarding the allegations contained in the statement. The list of individuals shall also include a brief summary of the substance and extent of each individual’s knowledge regarding the allegations contained in the statement.
- E. The alleging party may attach written or other evidence to a statement of allegations at the time that the statement is filed with the Department.
- F. A statement of allegations may be returned to the alleging party if the statement is not complete or not legible.
- G. The Department shall conduct an investigation of all statements of allegations filed pursuant to this Article.

R7-2-1303. Complaint

- A. Upon completion of an investigation resulting from a statement of allegations, the Board may file a complaint against a certificated individual or may issue or deny certification to an applicant.
- B. The Board may, at its own discretion, investigate any matter and file a complaint against a certificated individual upon receiving any information, from any source, indicating immoral or unprofessional conduct has occurred.
- C. A hearing shall be held on a complaint before the PPAC.

R7-2-1304. Notification; Investigation

The certificated individual shall have 20 days from service by U.S. mail of the notice of investigation to file a written response with the Department.

R7-2-1305. Investigation

- 1 A. Applicants shall certify on forms that are provided by the Department whether the applicant:
2 1. Has ever received any disciplinary action, including revocation, suspension or reprimand,
3 involving any professional certification or license;
4 2. Is currently under investigation or has ever been the subject of any investigation by the
5 Department of Child Safety or a similar department in this state or another jurisdiction;
6 3. Has ever been convicted of a felony offense;
7 4. Has ever been arrested, cited and released, or received a criminal summons for any offense,
8 regardless if eventually convicted of a crime or if a conviction was set aside or expunged; or
9 5. Has ever been arrested, cited and released, or received a criminal summons for any offense
10 involving a child, regardless if eventually convicted of a crime or if a conviction was set aside or
11 expunged.
- 12 B. Upon receipt of notification that an applicant or certificated individual has engaged in unprofessional
13 or immoral conduct pursuant to R7-2-1308, conduct that would warrant disciplinary action if the
14 person had been certified at the time that the alleged conduct occurred, or conduct listed in subsection
15 A of this section, the Department shall initiate an investigation.
- 16 C. Applicants and certificated individuals who are alleged to have engaged in unprofessional or immoral
17 conduct pursuant to R7-2-1308, conduct that would warrant disciplinary action if the person had been
18 certified at the time that the alleged conduct occurred, or conduct listed in subsection (A) of this
19 section shall provide the Board with copies of court records and law enforcement reports pertaining to
20 the offense.

21 **R7-2-1307. Criminal Offenses**

- 22 A. The Board shall revoke, not issue, or not renew the certification of a person who has been convicted
23 of committing or attempting, soliciting, facilitating or conspiring to commit any of the following
24 criminal offenses in this state or similar offenses in another jurisdiction:
25 1. Sexual abuse of a minor;
26 2. Incest;
27 3. First-degree murder;
28 4. Second-degree murder;
29 5. Manslaughter;
30 6. Sexual assault;
31 7. Sexual exploitation of a minor;
32 8. Commercial sexual exploitation of a minor;
33 9. A dangerous crime against children as defined in A.R.S. § 13-705;
34 10. Armed robbery;
35 11. Aggravated assault;
36 12. Sexual conduct with a minor;
37 13. Molestation of a child;
38 14. Exploitation of minors involving drug offenses;
39 15. Sexual abuse of a vulnerable adult;
40 16. Sexual exploitation of a vulnerable adult;
41 17. Commercial sexual exploitation of a vulnerable adult;
42 18. Child sex trafficking as prescribed in A.R.S. § 13-3212;
43 19. Child abuse;
44 20. Abuse of a vulnerable adult;
45 21. Molestation of a vulnerable adult;
46 22. Taking a child for the purpose of prostitution as prescribed in A.R.S. § 13-3206;
47 23. Neglect or abuse of a vulnerable adult;
48 24. Sex trafficking;
49 25. Sexual abuse;

- 1 26. Production, publication, sale, possession and presentation of obscene items as prescribed in
- 2 A.R.S. § 13-3502;
- 3 27. Furnishing harmful items to minors as prescribed in A.R.S. § 13-3506;
- 4 28. Furnishing harmful items to minors by internet activity as prescribed in A.R.S. § 13-3506.01;
- 5 29. Obscene or indecent telephone communications to minors for commercial purposes as prescribed
- 6 in A.R.S. § 13-3512;
- 7 30. Luring a minor for sexual exploitation;
- 8 31. Enticement of persons for purposes of prostitution;
- 9 32. Procurement by false pretenses of person for purposes of prostitution;
- 10 33. Procuring or placing persons in a house of prostitution;
- 11 34. Receiving earnings of a prostitute;
- 12 35. Causing one's spouse to become a prostitute;
- 13 36. Detention of persons in a house of prostitution for debt;
- 14 37. Keeping or residing in a house of prostitution or employment in prostitution;
- 15 38. Pandering;
- 16 39. Transporting persons for the purpose of prostitution, polygamy and concubinage;
- 17 40. Portraying adult as a minor as prescribed in A.R.S. § 13-3555;
- 18 41. Admitting minors to public displays of sexual conduct as prescribed in A.R.S. § 13-3558;
- 19 42. Unlawful sale or purchase of children;
- 20 43. Child bigamy; or
- 21 44. Trafficking of persons for forced labor or services.
- 22 **B.** Upon notification by the clerk of the court, magistrate or court of competent jurisdiction, the Board
- 23 shall immediately and permanently revoke the certificate of a person who has been convicted of any
- 24 of the following offenses:
- 25 1. A dangerous crime against children as defined in A.R.S. § 13-705;
- 26 2. Sexual abuse as prescribed in A.R.S. § 13-1404 in which the victim was a minor;
- 27 3. Sexual assault as prescribed in A.R.S. § 13-1406 in which the victim was a minor;
- 28 4. Sexual conduct with a minor as prescribed A.R.S. § 13-1405;
- 29 5. A preparatory offense as prescribed in A.R.S. § 13-1001 of any of the offenses prescribed in
- 30 paragraphs one, two, three or four of this subsection;
- 31 6. Any crime that requires the person to register as a sex offender; or
- 32 7. An act committed in another state or territory that if committed in this state would have been one
- 33 of the offenses listed in paragraphs one, two, three, or four of this subsection.
- 34 **C.** If the Board does not issue, does not renew, or revokes a certificate due to a person's conviction or
- 35 admission of an offense listed in subsection (A), but which is not an offense listed in subsection (B),
- 36 the notice of non-issuance, non-renewal or revocation shall inform the person of that person's right to
- 37 request a hearing within 20 days of service of the notice.

38 **R7-2-1308. Unprofessional and Immoral Conduct**

- 39 **A.** Individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals
- 40 applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall:
- 41 1. Make reasonable efforts to protect pupils from conditions harmful to learning, health, or safety;
- 42 2. Account for all funds collected from pupils, parents, or school personnel;
- 43 3. Adhere to provisions of the Uniform System of Financial Records related to use of school
- 44 property, resources, or equipment; and
- 45 4. Abide by copyright restrictions, security, or administration procedures for a test or assessment.
- 46 **B.** Individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals
- 47 applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall not:
- 48 1. Discriminate against or harass any pupil or school employee on the basis of race, national origin,
- 49 religion, sex, including sexual orientation, disability, color or age;
- 50 2. Deliberately suppress or distort information or facts relevant to a pupil's academic progress;

- 1 3. Misrepresent or falsify pupil, classroom, school, or district-level data from the administration of a
- 2 test or assessment;
- 3 4. Engage in a pattern of conduct for the sole purpose or with the sole intent of embarrassing or
- 4 disparaging a pupil;
- 5 5. Use professional position or relationships with pupils, parents, or colleagues for improper
- 6 personal gain or advantage;
- 7 6. Falsify or misrepresent documents, records, or facts related to professional qualifications or
- 8 educational history or character;
- 9 7. Assist in the professional certification or employment of a person the certificate holder knows to
- 10 be unqualified to hold a position;
- 11 8. Accept gratuities or gifts that influence judgment in the exercise of professional duties;
- 12 9. Possess, consume, or be under the influence of alcohol on school premises or at school-sponsored
- 13 activities;
- 14 10. Illegally possess, use, or be under the influence of marijuana, dangerous drugs, or narcotic drugs,
- 15 as each is defined in A.R.S. § 13-3401;
- 16 11. Make any sexual advance towards a pupil or child, either verbal, written, or physical;
- 17 12. Engage in sexual activity, a romantic relationship, or dating of a pupil or child;
- 18 13. Submit fraudulent requests for reimbursement of expenses or for pay;
- 19 14. Use school equipment to access pornographic, obscene, or illegal materials; or
- 20 15. Engage in conduct which would discredit the teaching profession.
- 21 **C.** Individuals found to have engaged in unprofessional or immoral conduct shall be subject to, and may
- 22 be disciplined by, the Board.
- 23 **D.** Procedures for making allegations, complaints, and investigation of unprofessional or immoral
- 24 conduct shall be as set forth in this Article.
- 25 **E.** Application forms and certificates shall include the rules and statutes related to unprofessional and
- 26 immoral conduct, including resignation from a contracted position without authorization and duties to
- 27 report as required by law.
- 28 **F.** Individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq shall certify:
- 29 1. That they have read and understood the rules and statutes related to unprofessional and immoral
- 30 conduct, including resignation from a contracted position without authorization and duties to
- 31 report as required by law; and
- 32 2. Whether they have been disciplined or are under investigation in another state for engaging in
- 33 conduct that is immoral or unprofessional.

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35 **R7-2-1309. Summary Suspension**

36 **A.** If the Board finds by a preponderance of the evidence that a certificate holder has committed an

37 offense listed in R7-2-1307 and finds the public health, safety or welfare imperatively requires emergency

38 action, the Board may proceed under A.R.S. § 41-1064(C), ordering a summary suspension of a

39 certificate pending proceedings for revocation or other action. The Board shall provide notice to the

40 certificate holder of the meeting pursuant to R7-2-703 and R7-2-704.

41 **B.** Summary suspensions issued by the Board shall remain in effect pending a public hearing and

42 final decision by the Board pursuant to Article 7 of this title.