Hello,

Enclosed is a Statement of Allegations packet. Also included with this packet are the rules (A.A.C. R7-2-205 and R7-2-1301 to 1307) that govern the complaint process.

If you choose to file a Statement of Allegations against a certified person, please be sure to include the license holder’s current place of employment on the forms provided. Also, a Statement of Allegations filed by a school district must be accompanied by a School Board Resolution authorizing such.

Be advised that it is in the Complainant’s best interest to include documentation of reasonable efforts made to resolve the matter(s) at the district level. The State Board of Education has the authority, pursuant to Arizona Revised Statute §15-203(B) (6), to assess costs and reasonable attorney fees against a person who files a frivolous complaint or who files a complaint in bad faith.

Confidentiality of pupils’ names and testimony is a concern to the Board. Processing of a complaint is facilitated by keeping pupils’ names, which will be redacted, to a minimum.

Please return the completed Statement of Allegations to the Investigative Unit of the Arizona Department of Education at: 1535 W. Jefferson Street Bin 35, Phoenix, AZ 85007. If you have any questions, please do not hesitate to contact me at (602) 542-2972.
Pursuant to Arizona Revised Statutes §15-203 (A) (20) and Arizona Administrative Code R7-2-205 and R7-2-1301 to 1307, the Complainant asks the State Board of Education to discipline __________________________ who holds the following Arizona teaching certificate(s): __________________________

The allegations are as follows: (Where grounds are based on an alleged violation of a statute, regulation or rule, please cite the authority.)

See attached pages.

DATED this _________ day of __________, 2018.

_______________________________
Complainant Signature

_______________________________
Print Name

_______________________________ swears: I am the Complainant and have read the Statement of Allegations and know its contents. The matters alleged are based on information I believe to be true.

_______________________________
Complainant

Subscribed and sworn to before me this _________ of __________, 2018

_______________________________
Notary Public

My Commission Expires: _____________________
COMPLAINANT QUESTIONNAIRE

Information needed from the Complainant in preparation for investigation and hearing by the Arizona State Board of Education.

Your name________________________ Phone No. ____________
Address__________________________________________

The School District/Agency____________________________________

Your official position, if any, in above-named School District/Agency:
________________________________________________________

Name of certificate holder:____________________________________

In the event of an investigation, individuals who may be contacted to provide information regarding the allegations contained in this Statement of Allegations:

Name________________________ Address________________________
Official relationship to either party __________________________________
Substance of testimony __________________________________________

________________________________________________________________

Name________________________ Address________________________
Official relationship to either party __________________________________
Substance of testimony __________________________________________

________________________________________________________________
In the event of an investigation, individuals who may be contacted to provide information regarding the allegations contained in this Statement of Allegations:

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Complainant’s Statement:

_____________________________________                                        __________________________________

__________________________________________

Signature                                                                 Date
R7-2-205. Certification Review, Suspension, and Revocation

A. The Professional Practices Advisory Committee ("Committee") shall act in an advisory capacity to the State Board of Education ("Board") in regard to certification or recertification matters related to immoral conduct, unprofessional conduct, unfitness to teach, and revocation, suspension, or surrender of certificates.

B. The Committee shall consist of seven members comprised of the following:
   1. One elementary classroom teacher,
   2. One secondary classroom teacher,
   3. One principal,
   4. One superintendent or assistant/associate superintendent,
   5. Two lay members,
   6. One local Governing Board member.

C. Selection of members of the Committee, except for lay members, shall be from highly competent educators who shall meet at least the following requirements:
   1. Certified to teach in Arizona (except the local Governing Board member).
   2. Currently employed in or retired from the education profession in the specific category of their appointment.
   3. If currently employed, shall have been employed in this category for the three years immediately preceding their appointment.

D. Appointment to the Committee from the specific categories will be recommended to the entire Board by a three-member subcommittee appointed by the President of the Board.

E. Terms of the members
   1. All regular terms shall be for four years except as set forth in subsection (F) below.
   2. A member may be reappointed with Board approval.

F. The Board may remove any member from the Committee. All vacancies shall be filled as prescribed in subsections (C) and (D) above, and those persons appointed to fill vacancies shall serve to complete the term of the person replaced.

G. The Committee shall:
   1. Select from its members a Chairman, Vice-Chairman, and Secretary.
   2. Establish procedures for conducting business according to Robert's Rules of Order Revised. A quorum shall be a majority of members of the Committee. A quorum is necessary to conduct business. An affirmative vote of the majority of the members present is needed to take action.
   3. Hold meetings as needed to conduct hearings or other Committee business by call of the Chairman of the Committee. If the Chairman neglects or declines to call a meeting, then a majority of the Committee may call a meeting. The Board may call a meeting as required to conduct necessary business. Notice of any meeting shall be given to Committee members seven days prior to the meeting.
   4. Recommend the removal of any member who is absent from three consecutive meetings.
   5. Refer to the Code of Ethics of the American Association of School Administrators and the National Education Association to assist in determining whether the acts complained of constitute unprofessional conduct.
   6. Conduct its business pursuant to R7-2-1301 et seq. and hearings pursuant to R7-2-701 et seq.

Historical Note
**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., or requesting renewal of a previously held certificate issued 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. "Hearing" means an adjudicative proceeding held pursuant to Title 41, Chapter 6 and R7-2-701 et seq.

7. "PPAC" means the Professional Practices Advisory Committee established pursuant to R7-2-205.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

**R7-2-1302. Statement of Allegations**

A. Any person may file, with the Board, a statement of allegations against a certificated individual on forms provided by the Board.

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 Board.

F. A statement of allegations filed by a school district shall be accompanied by a certified copy of a school board resolution authorizing the statement of allegations to be filed.

G. A statement of allegations may be returned to the alleging party if the statement is not complete or not legible.

H. The Board shall conduct an investigation of all statements of allegations filed pursuant to this Article.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

**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.

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 15 days from receipt of the complaint to file a response with the Board.

Historical Note
Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

R7-2-1305. Conviction of Criminal Offenses; Investigation
A. Applicants shall certify on forms that are provided by the Board whether they are awaiting trial on, or have ever been convicted of, or have admitted in open court or pursuant to a plea agreement committing any offense listed in A.R.S. § 15-534. Applicants for certification shall not be required to disclose information regarding misdemeanor offenses other than those listed in A.R.S. § 15-534.
B. Upon receipt of notification that an applicant or certificated individual has been convicted of or admitted in open court or pursuant to a plea agreement committing any criminal offense specified in A.R.S. § 15-534, the Board shall initiate an investigation.
C. Applicants and certificated individuals who are alleged to have been convicted of a criminal offense specified in A.R.S. § 15-534 shall provide the Board with copies of court records or reports pertaining to the conviction.

Historical Note
Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

R7-2-1306. Reviewable Offenses
A. Reviewable offenses are those offenses listed in A.R.S. § 15-534 which are not included in R7-2-1307.
B. Upon completion of an investigation, the Board may file a complaint against a certificated individual or may issue or deny certification to an applicant.

Historical Note
Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

R7-2-1307. Criminal Offenses; Nonreviewable
A. The Board shall revoke, not issue, or not renew the certification of a person who has been convicted of or admitted in open court or pursuant to a plea agreement committing any of the following criminal offenses in this state or similar offenses in another jurisdiction:
   1. Sexual abuse of a minor;
   2. Incest;
   3. First-degree murder;
   4. Sexual assault;
   5. Sexual exploitation of a minor;
   6. Commercial sexual exploitation of a minor;
   7. A dangerous crime against children as defined in A.R.S. § 13-604.01;
   8. Armed robbery;
   9. Sexual conduct with a minor;
   10. Molestation of a child;
   11. Exploitation of minors involving drug offenses.
B. Upon notification that a certificated individual has been convicted of a nonreviewable offense, the Board shall revoke the certificate.
R7-2-1308. Unprofessional and Immoral Conduct

A. Individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall:
   1. Make reasonable efforts to protect pupils from conditions harmful to learning, health, or safety;
   2. Account for all funds collected from pupils, parents, or school personnel;
   3. Adhere to provisions of the Uniform System of Financial Records related to use of school property, resources, or equipment; and
   4. Abide by copyright restrictions, security, or administration procedures for a test or assessment.

B. Individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall not:
   1. Discriminate against or harass any pupil or school employee on the basis of race, national origin, religion, sex, including sexual orientation, disability, color or age;
   2. Deliberately suppress or distort information or facts relevant to a pupil's academic progress;
   3. Misrepresent or falsify pupil, classroom, school, or district-level data from the administration of a test or assessment;
   4. Engage in a pattern of conduct for the sole purpose or with the sole intent of embarrassing or disparaging a pupil;
   5. Use professional position or relationships with pupils, parents, or colleagues for improper personal gain or advantage;
   6. Falsify or misrepresent documents, records, or facts related to professional qualifications or educational history or character;
   7. Assist in the professional certification or employment of a person the certificate holder knows to be unqualified to hold a position;
   8. Accept gratuities or gifts that influence judgment in the exercise of professional duties;
   9. Possess, consume, or be under the influence of alcohol on school premises or at school-sponsored activities;
   10. Illegally possess, use, or be under the influence of marijuana, dangerous drugs, or narcotic drugs, as each is defined in A.R.S. § 13-3401;
   11. Make any sexual advance towards a pupil or child, either verbal, written, or physical;
   12. Engage in sexual activity, a romantic relationship, or dating of a pupil or child;
   13. Submit fraudulent requests for reimbursement of expenses or for pay;
   14. Use school equipment to access pornographic, obscene, or illegal materials; or
   15. Engage in conduct which would discredit the teaching profession.

C. Individuals found to have engaged in unprofessional or immoral conduct shall be subject to, and may be disciplined by, the Board.

D. Procedures for making allegations, complaints, and investigation of unprofessional or immoral conduct shall be as set forth in this Article.

Historical Note
New Section made by final rulemaking at 9 A.A.R. 1544, effective June 28, 2003 (Supp. 03-2).
R7-2-701. Definitions
In this Article, unless the context otherwise specifies:
1. "Board" means the State Board of Education.
2. "Chairman" means the chairperson of the Professional Practices Advisory Committee, established pursuant to R7-2-205.
3. "Contested case" means any proceeding in which the legal rights, duties or privileges of a party are required by law to be determined by the State Board of Education after an opportunity for hearing.
4. "Department" means the Department of Education.
5. "Hearing body" means the Board or the Professional Practices Advisory Committee.
6. "Party" means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.
7. "Person" means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character, or another agency.
8. "PPAC" means the Professional Practices Advisory Committee, established pursuant to R7-2-205 to conduct hearings related to certification or recertification matters regarding immoral conduct, unprofessional conduct, unfitness to teach and revocation, suspension or surrender of certificates.
9. "Pupil" means any student enrolled in an Arizona public or private school. "Pupil" also means any student who was enrolled in an Arizona public or private school at the time of the events which are the subject of a proceeding and who is still of minor age.

Historical Note

R7-2-702. Filing; computation of time; extension of time
A. All papers concerning a contested case shall be filed within the time limit, if any, for such filing.
B. All papers filed in any contested case shall be typewritten or legibly written on paper 8 1/2 by 11 inches in size, shall contain the name and address of the party or other correspondent, shall be properly captioned and designate the title and case number, shall state the name and address of each party served with a copy, and shall be signed by the party or, if represented, by the party's attorney. The signature certifies that the signer has read the paper, that to the best of the signer's knowledge, information, and belief there are good grounds to support its contents, and that it is not interposed for delay.
C. In computing any period of time prescribed or allowed by this Article, or any notice or order concerning a contested case, the day of the act, event, or default from which the designated period of time begins to run shall not be included. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays and legal holidays shall not be included in the computation. When that period to time is 11 days or more, intermediate Saturdays, Sundays and legal holidays shall be included in the computation. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday.
D. Whenever a party has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon the party by another party, and the notice or other paper is served by mail, five days shall be added to the prescribed period. This subsection has no application to notices, orders, or other papers issued by the hearing body.
E. For good cause shown, the presiding officer may grant continuances and extensions of time for filing notices or other papers.

Historical Note
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-703. Contested cases; notice; hearing records
A. In a contested case, the parties shall be afforded an opportunity for hearing after reasonable notice. The notice shall be given at least 20 days prior to the date set for the hearing.

B. The notice shall include:
1. A statement of the time, place and nature of the hearing.
2. A statement of the legal authority and jurisdiction under which the hearing is to be held.
3. A reference to the particular sections of the statutes and rules involved.
4. A short and plain statement of the matters asserted. If a party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

C. Opportunity shall be afforded all parties to respond and present evidence and argument on the issues involved.

D. The Board may dispose of any contested case by decision or approved stipulation, agreed settlement, consent agreement or by default.

E. A hearing before a hearing body in a contested case or any part thereof shall be recorded manually or by a recording device and shall be transcribed on request of any party, unless otherwise provided by law. The cost of such transcript shall be paid by the party making the request, unless otherwise provided by law or unless assessment of the cost is waived by the Board.

F. The hearing body may reschedule the hearing, maintaining due regard for the interests of justice and the orderly and prompt conduct of the proceedings.

G. The record in a contested case shall include:
1. All pleadings, motions and interlocutory rulings.
2. Evidence received or considered.
3. A statement of matters officially noticed.
4. Objections and offers of proof and rulings thereon.
5. Proposed findings of fact and conclusions of law and exceptions thereeto.
6. Any decision, opinion, recommendation or report of the hearing body.
7. All staff memoranda, other than privileged communications, or data submitted to the hearing body in connection with its consideration of the case.

H. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

Historical Note
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-704. Service; proof of service
A. The Board shall serve notices of hearing, findings of fact, conclusions of law, and recommendations of the hearing body, and decisions and final orders of the Board, either by personal service or by certified mail. All other papers required to be served may be served by regular or certified mail or may be personally served.

B. After service of a notice of hearing in a contested case, a copy of every paper filed by a party, or individual seeking to intervene, shall be served on all parties to the contested case, or their lawyers if represented, at the same time the paper is filed.

C. The following evidences completed service:
1. If personally served, an affidavit of personal service, sworn to by the individual serving the paper and stating the name of the individual upon whom it was served, where service was made, and the date of such service; or
2. If served by certified mail, the return receipt signed by the party served or someone authorized to act on behalf of the party served; or
3. If served by regular or certified mail, either a statement subscribed on the paper filed, or an affidavit indicating the date mailed and listing those to whom it was mailed.

D. When a party is represented by an attorney, service shall be made on the attorney. If a notice of hearing shows service on the Attorney General, all papers served thereafter shall be served on the Assistant Attorney General named on the notice of hearing or who later appears on behalf of the Attorney
General, or if no Assistant Attorney General is named, then on the Attorney General, Education and Health Section, Education Unit.

**Historical Note**
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-705. Hearings and evidence**
A. Parties may participate in the hearing in person or through an attorney.
B. Upon request of either party, the presiding officer may schedule a prehearing conference. The purpose of a prehearing conference shall be to narrow issues, attempt settlement, address evidentiary issues or for any other purpose deemed necessary by the presiding officer.
C. A hearing in a contested case shall be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. A party to such proceedings may be represented by counsel and shall have the right to submit evidence in open hearing and conduct cross examination. Hearings may be held in any location determined by the hearing body.
D. Copies of documentary evidence may be received in the discretion of the presiding officer. Upon request, the parties shall be given an opportunity to compare the copy with the original.
E. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the hearing body. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed including any staff memoranda or data and they shall be afforded an opportunity to contest the material so noticed. The hearing body's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

**Historical Note**
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-706. Request for hearing**
When a request for a hearing is filed with the Board, the request shall be in writing and shall state the specific grounds which are the basis of the hearing request and the statute, rule or other legal basis entitling the person to a hearing.

**Historical Note**
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-707. Denial of request for hearing**
If the Board denies the request for a hearing, the denial shall be in writing and shall state the reasons therefor. A denial of a request for hearing is final and not subject to further administrative review.

**Historical Note**
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-708. Repealed**

**Historical Note**
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).
Section repealed by final rulemaking at 11 A.A.R. 696, effective March 29, 2005 (Supp. 05-1).

**R7-2-709. Rehearing and review of decisions**
A. After a hearing is held, a party in a contested case who is aggrieved by a decision rendered by the Board may file with the Board, not later than 30 days after such decision has been made, a written motion for rehearing specifying the particular grounds therefor. A motion for rehearing under this Section may be amended at any time before it is ruled upon by the Board. A response may be filed within 15 days after service of such motion by any other party. The Board may require the filing of written briefs on the issues raised in the motion or response and may provide for oral argument.
B. A rehearing of a decision by the Board may be granted for any of the following causes materially affecting the moving party's rights:
1. Irregularity in the administrative proceedings of the hearing body, or abuse of discretion, whereby the moving party was deprived of a fair hearing.
2. Misconduct of the hearing body or the prevailing party.
3. Accident or surprise which could not have been prevented by ordinary prudence.
4. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the hearing.
5. Excessive or insufficient penalties.
6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
7. That the decision is not justified by the evidence or is contrary to the law.
C. The Board may affirm or modify the decision or grant a rehearing to all or any of the parties, on all or part of the issues, for any of the reasons set forth in subsection B herein. An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
D. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. The order granting such a rehearing shall specify the grounds therefor.
E. Not later than 20 days after a decision is rendered, the Board may, on its own initiative, order a rehearing of its decision for any reasons for which it might have granted a rehearing on motion of a party. The order granting such a rehearing shall specify the grounds therefor.
F. When a motion for rehearing is based upon affidavits they shall be served with the motion. An opposing party may, within ten days after service of such motion, serve opposing affidavits and this period may be extended for an additional period not exceeding 20 days, by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
G. After a hearing has been held and a final administrative decision has been entered, a party is not required to file a motion for rehearing or review of the decision in order to exhaust the party's administrative remedies.
H. Any party in a contested case who is aggrieved by a decision rendered by the Board may file with the Board, not later than 20 days after such decision has been made, a written request for review of the decision. If a review of the decision is granted, the Board may affirm or modify the previous decision.

Historical Note
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-710. Intervention
A. Any person seeking to intervene in any contested case shall file a written request to intervene.
   Intervention shall be granted only if the hearing body determines that:
   1. The legal interests of the person requesting to intervene may be substantially affected by the outcome of the contested case;
   2. Intervention will not unduly delay or bias the hearing;
   3. The interest of the person requesting to intervene is not adequately represented by another party to the contested case; and
   4. The proposed intervention is in the interests of justice.
B. The request shall state the claims or defenses for which intervention is sought, briefly describing the interests that may be affected by the outcome of the case and including such facts as demonstrate those interests.
C. The request shall be filed and served upon all parties at least 15 days prior to hearing.
D. Any party may file a response to the request to intervene within five days of service of the request upon the party.
E. The hearing body shall decide on the request to intervene at least five days prior to the hearing date and shall, prior to the end of the following business day, notify the persons requesting to intervene and all parties of the decision. The hearing body may reschedule a hearing or prehearing conference to provide
sufficient time for the parties to respond to a request to intervene or to prepare for the hearing or prehearing conference.

F. The hearing body may limit the intervener's participation to issues in which the intervener has a particular interest.

**Historical Note**
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-711. Consolidation and severance**
A. When proceedings involving a common question of law or fact or common parties are pending before the hearing body, it may, upon its own volition or upon request of any party, order a joint hearing on any or all the matters at issue.
B. In furtherance of convenience, to avoid prejudice, or when separate hearings will be conducive to expedition and economy, the hearing body may, upon its own volition or upon request of any party, order any proceeding severed with respect to some or all issues or parties.

**Historical Note**
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-712. Subpoenas**
A. The Department may issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence on its own volition or at the request of a party.
B. A request for a hearing subpoena shall be in writing and served on each party at least seven days prior to the date set for hearing and shall state:
   1. The name of the contested case, the case number, and the time and place where the witness is expected to appear and testify;
   2. The name and address of the witness subpoenaed; and
   3. The documents, if any, sought to be provided.
C. On application of a party or the agency and for use as evidence, the hearing body may permit a deposition to be taken, in the manner and upon the terms designated by the hearing body, of a witness who cannot be subpoenaed or is unable to attend the hearing.
D. The individual to whom a subpoena is directed shall comply with its provisions unless, prior to the date set for appearance, the hearing body grants a written request to quash or modify the subpoena. The request shall state the reasons why it should be granted. The hearing body shall grant or deny such request by order.
E. The party requesting the subpoena shall prepare it and cause it to be served upon the individual to whom it is directed in the same manner as provided for service of subpoenas in civil matters before the superior court. The return of service shall be filed with the hearing body.

**Historical Note**
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-713. Conduct of hearing**
A. The presiding officer may conduct all or part of the hearing by telephone, television, or other electronic means, as long as each party has an opportunity to participate in the entire proceeding as it takes place.
B. Except for those hearings which may involve presentation of evidence protected by A.R.S. § 15-350, or which are otherwise closed pursuant to an express provision of law, all hearings are open to public observation.
C. Conduct at any hearing that is disruptive or shows contempt for the proceedings shall be grounds for exclusion from further participation or observation.

**Historical Note**
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-714. Testimony of pupils**
A. All individuals present at a hearing regarding an action against a certificate shall:
1. Keep confidential the name of any pupil involved in the hearing, unless disclosure is with the consent of the pupil's parent or guardian or by order of the superior court. This action does not prevent disclosure of the pupil's name to any party to the hearing.
2. Keep confidential the testimony of any pupil, all of which shall be taken in executive session, except that the Board office shall be furnished a confidential copy of the pupil's testimony as part of the complete transcript of the hearing. The individuals present during the executive session shall be determined by the presiding officer in consultation with the Attorney General's office except that the respondent and counsel shall always be permitted to be present. The transcripts of testimony taken during executive session shall be maintained by the Board.

B. The Board of Education or its designee shall:
   1. Make available a consent form which requires the signature of the pupil’s parent or guardian prior to disclosure of the pupil's name;
   2. Assign a fictitious name to all witnesses identified as pupils on the witness lists provided by the complainant and respondent if not in receipt of written parental or guardian consent for disclosure;
   3. Notify hearing participants, prior to and during the hearing, of any fictitious names to be used.

C. The presiding officer shall instruct all individuals present at the hearing of the confidentiality requirements of A.R.S. § 15-551 and this rule.

Historical Note
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-715. Evidence
A. All witnesses shall testify under oath or affirmation.
B. The hearing body shall have the power to administer oaths and affirmations.
C. All parties shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and fair disclosure of the facts.
D. The hearing body shall receive evidence, rule upon offers of proof, and exclude evidence the hearing body has determined to be irrelevant, immaterial, or unduly repetitious.
E. Unless otherwise ordered by the hearing body, documentary evidence shall be limited in size when folded to 8 1/2 by 11 inches. The submitting party shall identify documentary exhibits by number or letter and party and furnish a copy of each exhibit to each party present. One additional copy shall be furnished to the hearing body unless the hearing body otherwise directs. When evidence offered by any party appears in a larger work, containing other information, the party shall plainly designate the portion offered. If the evidence offered is so voluminous as would unnecessarily encumber the record, the book, paper, or document shall not be received in evidence but may be marked for identification and, if properly authenticated, the designated portion may be read into or photocopied for the record. All documentary evidence offered shall be subject to appropriate and timely objection.

Historical Note
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-716. Stipulations
Parties to any contested case may stipulate, in writing, agreement upon any matter involved in the proceeding. If approved by the presiding officer, agreement on matters of procedure shall be binding upon the parties to the stipulation. The hearing body may require presentation of evidence for proof of stipulated facts for the hearing body's consideration. No substantive matter agreed to by the parties shall be binding upon the Board unless incorporated into the decision of the Board.

Historical Note
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-717. Recommendations
A. A recommended decision shall be prepared for the Board by the PPAC.
B. A recommended decision shall be delivered to the Board within 30 days after the close of the hearing or the date ordered for submission of proposed findings or legal memoranda, whichever comes last, unless the Board extends the period for good cause.
**R7-2-718. Decisions and orders**

A. Any final decision or order adverse to a party in a contested case shall be in writing or stated in the record. Any final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified either personally or by mail to their last known address of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith to each party and to the party's attorney of record.

B. When the Board is the hearing body, the decision shall be rendered within 60 days following the final day of the hearing or the date ordered for submission of proposed findings of fact and conclusions of law or legal memoranda, whichever comes last.

C. Within 30 days after receipt of any recommended decision from the PPAC, the Board shall render a decision to affirm, reverse, adopt, modify, supplement, amend or reject the findings of fact, conclusions of law and recommendations in whole or in part, may remand the matter to the hearing body with instructions, or may convene itself as the hearing body.

D. If no request for rehearing or review has been timely filed by a party, a decision in a contested case is effective and final ten days from the date served on that party.