

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
March 22, 2018	<input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Defensive Driving - ACJA § 7-205

FROM:

Mark D. Wilson
Director
Certification and Licensing Division

DISCUSSION:

At the October and December Arizona Judicial Council meetings, the Council approved amendments to ACJA § 7-205. Staff has continued to work on the implementation of those amendments and requests an additional amendment to ACJA § 7-205 (E)(4).

The amended language continues to refine the concept of "substantially different" online curricula. The concept of "substantially different" curriculum was proposed by staff to assure that a defensive driving student selecting a class through AOC's website was presented with choices of different defensive driving class presentations. It is believed that the language previously proposed by staff and presently approved by the Council is not encompassing enough to achieve this goal. While the presently approved language addresses issues of common ownership and financial benefit, the amended language is intended to be broader and address those issues as well as situations in which the same curriculum is "franchised" to multiple schools and thereby eliminating an element of student choice when utilizing the AOC website.

Staff has received one comment and it has been in support of the amendment.

RECOMMENDED COUNCIL ACTION:

AOC requests the Council take formal action recommending the adoption of the proposed changes to ACJA § 7-205 and such technical changes as necessary to conform the existing code to the proposed changes.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 7: Administrative Office of the Courts
Chapter 2: Certification and Licensing Programs
§ 7-205: Defensive Driving

A through E(3) [No changes]

4. Decision Regarding Certification for Schools or Instructors. In addition to the requirements of ACJA § 7-201(E) the following requirements apply:

a. **[No change]**

b. The board shall refuse to certify an ADM applicant or course for certification:

(1) If applicant fails to demonstrate that the applicant's curriculum is substantially different from the curriculum of other programs ~~in which the applicant has common ownership or a financial interest.~~

(2) Substantially different curriculum means:

(a) The curriculum and the manner of presenting the curriculum use different organization, videos, and demonstrative props than other programs; and

(b) A person participating in both classes would not believe the curriculum was developed by the same person or entity.

(3) ~~Common ownership means:~~

~~(a) Ownership of or an interest in two or more schools by an individual or entity;~~

~~(b) Ownership of or an interest in two or more entities that have an interest in a school; or~~

~~(c) Financial or other benefit, direct or indirect, in or from two or more schools by an individual or entity.~~

(4) (3) Decisions of the board concerning substantially different curriculum are final as to third parties. The Board is not authorized to enforce a third party's copyright.

E (4)(c) through I [No changes]