

Mandatory Reporting for Education Professionals

Arizona State Board of Education

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Objectives

The attendees will be able to identify:

- Relevant laws and Attorney General's opinions that guide child abuse reporting in Arizona
- Relevant laws that guide educator misconduct reporting in Arizona
- Who must report
- What must be reported
- When to report
- Where to report
- How to report



Relevant Laws

- **Arizona Revised Statute, A.R.S. § 13-3620**
 - Mandatory child abuse reporting
 - <https://www.azleg.gov/ars/13/03620.htm>
- **Arizona Revised Statute, A.R.S. § 15-514**
 - Immoral or unprofessional conduct; duty to report; immunity; definition
 - <https://www.azleg.gov/ars/15/00514.htm>
- **Arizona Revised Statute, A.R.S. § 15-505**
 - Discipline; educator information system; personnel list; definitions
 - <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00505.htm>



Relevant Laws

- **A.R.S. § 15-514(A)**
 - “A certified or noncertificated person or governing board member”
- **A.R.S. § 15-514(B)**
 - “The superintendent of a school district or the chief administrator of a Charter school”
- **A.R.S. § 15-514(E)**
 - “Failure to report as required....grounds for disciplinary action”
- **A.R.S. § 15-514(F)**
 - “A governing board or school district employee who has control over personnel decisions”



Relevant Laws

- **A.R.S. §15-505 (A)**

- Authority to investigate allegations of misconduct against noncertificated individuals

- **A.R.S. §15-505 (B)**

- Authority to take disciplinary action against a noncertificated persons

- **A.R.S. §15-505 (C)**

- Requires district and charter school personnel to search the ADE database prior to hiring someone.

- **A.R.S. §15-505 (D)**

- Prohibits the hiring of a disciplined individual

- **A.R.S. §15-505 (E)**

- Annual submission of a list of certificated and noncertificated persons employed at the school

A.R.S. § 13-3620

Duty to report abuse, physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors

“Any person who *reasonably believes* that a minor *is* or *has been* the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by *other than accidental means* or that is not explained by the available medical history as being accidental in nature...”



A.R.S. § 13-3620

What is the standard for determining when a report is required?

- “Reasonable belief” – This means “if there are *any* facts from which one could reasonably conclude that a child has been abused, the person knowing those facts is required to make a report to the appropriate authorities. ‘Reasonable grounds’ is a low standard.”
 - L.A.R. v. Ludwig, 170 Ariz. 24, 27, 821 P.2d 291, 294 (Ct. App. 1991).
- Observable signs of abuse, injury, or neglect
- Verbal or written disclosure from a child
- Reliable information from a third party
- Reporting parties are not required to investigate the suspected abuse prior to reporting.



A.R.S. § 13-3620

Who must report?

- All School Personnel
- A.R.S. § 13-3620 provides that “**school personnel**” must report based upon a “**reasonable belief**” that abuse or a reportable offense has occurred.
- Any other person having responsibility for the care or treatment of children

A.R.S. § 13-3620

School Personnel Includes

- Teacher and Administrators
- Nurse
- Counselor
- Psychologist
- Social Worker
- Behavioral Health
- Professional
- Classroom Aide
- Office Clerical Staff
- Cafeteria Worker
- Custodian
- Bus Driver and Bus Assistant
- "School Personnel" means all school personnel

Any Other Person Who has Responsibilities for Children Includes but is not limited to

- School Resource Officer
- School Volunteers
- Coaches
- Field Trip Chaperones



A.R.S. § 13-3620

What must be reported?

- Any “*Reportable Offenses*” listed in A.R.S. § 13-3620(P) which includes such things as:
 - Indecent Exposure
 - Public Sexual Indecency
 - Sexual Assault
 - Child Molestation
 - Unlawful Distribution of Nude Images – Sexting – intentionally disclosing electronic images of a person without that person’s consent
 - Sexual Conduct with a Minor
- Don’t worry about strict statutory elements of these listed crimes (When in doubt, make a report)
- Allegations that a minor is or has been the victim of physical injury, physical abuse, child abuse, sexual abuse, sexual conduct with a minor, sexual assault, molestation, sexual exploitation of a minor, incest, child prostitution, or neglect



A.R.S. § 13-3620

What must be reported?

- Physical Injury to a minor if it is suspected that it occurred by other than accidental means.
 - This includes incidents in which the abuser may lack the cognitive ability to control or understand right from wrong
 - This also includes playground injuries should the injury appear to be not of an accidental nature
- The purpose of the Reporting Statute is not to punish the wrongdoer, but is, rather, to protect the child.
- The key distinction – Was the physical injury caused by accident or was it non-accidental?
 - IF NON-ACCIDENTAL, MAKE A REPORT



A.R.S. § 13-3620

What must be reported?

- Abuse – physical, emotional or sexual abuse
 - Inflicting physical injuries
 - Inflicting serious emotional damage
 - Sexual abuse or sexual acts upon minors
 - Permitting a child to enter or remain in any home, structure or vehicle where people are manufacturing dangerous drugs
- Neglect – Inability or unwillingness of a parent or guardian to provide proper supervision that exposes the child to unreasonable risk of harm to the child's health or welfare
 - Lack of food
 - Lack of clothing
 - Lack of proper shelter
 - Lack of proper medical care
 - Exposing children to other harms such as sex acts, drugs, violence



A.R.S. § 13-3620

Where to Report

- Local Law Enforcement Agency
 - Also notify the SBE Investigative Unit in these cases immediately following the notification of law enforcement when the individual is certified or working an Arizona school
- Department of Child Safety, when the suspect assumes, care custody or control of the minor.
 - A.R.S. 8-455(D)(4) provides that DCS shall prepare a report if “the person suspected of committing the abuse or neglect is the parent, guardian, or custodian of the victim or an adult member of the victims household.
 - Also notify the SBE Investigative Unit in these cases immediately following the notification of DCS if the accused is a certified educator and/or is working in an Arizona school
- Tribal Law Enforcement or Tribal Social Services, when the child is Native American and resides on tribal land.
 - Also notify the SBE Investigative Unit in these cases immediately following the notification of tribal law enforcement when the individual is certified or working an Arizona school



A.R.S. § 13-3620

When to Report

- **Immediately**
 - Report immediately to DCS by telephone or electronically
 - “Immediately means immediately and without delay. Right now.
 - It is NOT an excuse that you thought another person was making the report
 - You cannot “delegate” your mandate to report to another person
 - It is not necessary to investigate or have “proof” of the allegations



A.R.S. § 13-3620

Important to remember

- Mere belief that someone else has reported the allegations of abuse without verification of the report is insufficient. (AG opinion, 107-006)
- Reporting to the Investigative Unit or to a school, district or agencies “point of contact” based on local operating procedures does not fulfill the statutory requirement to report (regardless of school, district or agency policy)
- Reporting to Law Enforcement or DCS under A.R.S. § 13-3620 does not fulfill the statutory requirement to report to the Investigative Unit under A.R.S § 15-514
- When reporting to the Investigative Unit, follow-up to ensure the report was received



A.R.S. § 15-514 (A)

Who must report?

- All certified or non-certificated individuals and governing board members.

What must be reported?

- Any allegation against a certified or non-certificated person that is required to be reported under A.R.S. § 13-3620.

When should a report be made?

- A report should be made as soon as possible, but no later than *three* business days after the person suspects or receives the allegation.



A.R.S. § 15-514 (B)

Who must report?

- All school district superintendents and chief administrators of charter schools.

What must be reported?

- “Reasonable suspicion” that a certified or non-certificated person has committed an immoral/unprofessional act that would constitute grounds for dismissal or criminal charges.

What constitutes immoral/unprofessional conduct?

- State Board of Education has developed rules: A.A.C. R7-2-1308 and A.A.C. R7-2-1309



A.R.S. § 15-514 (F)

Who must report?

- All governing board members or school district employees that have control over personnel decisions.

What must be reported?

- Responsible parties may not accept the resignation of a certificated or non-certificated employee who is suspected of committing any reportable violation involving minors until the allegation is first reported to the State Board of Education.

When to Report

- Prior to accepting the resignation of the individual



Making the report

- DCS Hotline – 1-888-SOS-CHILD (1-888-767-2445)
- District and school reports of educator misconduct **must** be submitted through the ADE portals (Certification search, Teacher Input Application, etc.)
- Written reports may be sent via a completed statement of allegations packet to;
 - Arizona Board of Education
 - Investigative Unit
 - Investigation@azsbe.az.gov
 - (602) 542-2972
- ADE's Empowerment Hotline is **NOT** for educator misconduct



Lets Talk about TIA

- A.R.S. 15-505(E) mandates all LEA's to enter their educator information annually
 - This usually opens in July and is Due by November 1
 - SBE is currently investigating noncompliance
- Why it is important
 - ADE
 - School finance Unit, Educator and School Excellence Unit, and Recruitment and Retention Unit
 - SBE
 - Investigative Unit
 - Enforcement Actions Unit



Report to DCS, Law Enforcement or the Investigative Unit??

- A report that a student was sexually abused by their coach.
 - Law Enforcement and the Investigative Unit
 - DCS would not receive this report because the coach is not the parent or guardian of the student
- A report that a student came to school with a bruised bite mark on their arm and reports that their parent bit them as discipline.
 - DCS will take this report and will likely report to law enforcement. For our purposes, this information is required to be reported to DCS.
 - No report to the IU is necessary unless the parent is an employee of a school
- A report that a student's parents fight all the time and last night, one parent pointed a gun at the other parent and the student got in the middle of them to try and stop them. The student's mother is not certified but is a teacher at his school.
 - Law Enforcement, DCS and the Investigative Unit
 - Law Enforcement should be the first point of contact for this report due to the weapon. Ask if they will be contacting DCS
 - Investigative Unit – because the mother is employed in a school as an educator



Report to DCS, Law Enforcement or the Investigative Unit??

- A teacher has received progressive discipline for two previous incidents involving inappropriate language and inappropriate behavior in the form of outbursts, both physical (slapping hands on the desk, jumping around in front of the class) and verbal, due to frustration with the students “not listening”. Progressive discipline was implemented and the teacher is then terminated after incident number 3 in which students were leaving the class without permission.
 - Investigative Unit would take this report if it qualifies under A.R.S. 15-514(F)
 - Did the teacher engage in immoral or unprofessional behavior listed in A.A.C. R7-2-1308. If the answer is **yes**, it must be reported to the IU.
 - Did the teacher engage in **behavior** that directly resulted in his termination? If **yes**, it must be reported to the IU
 - Did the teacher engage in behavior that could result in criminal charges? If **yes**, it must be reported to the IU



Report to DCS, Law Enforcement or the Investigative Unit??

- A report that a student got mad at another student and stabbed them with a pencil. The victim has a visible puncture injury from the tip of the pencil piercing their skin.
 - Law Enforcement will take this report if it occurred by other than “accidental” means. If you determine it was accidental, this would not be reported to law enforcement. If you can not determine clearly either way, report it.
- A report that a student is chronically late to school, is unkempt, malodorous, and always sleepy. The student's teacher brings the child clean clothes to wear and helps the child bathe.
 - Law Enforcement as this is definitely a boundary issue but also potentially a grooming situation.
 - Investigative Unit after notification to law enforcement



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Slides 6-15 are fully or partially quoted from the Arizona Department of Child Safety Mandated Reporter Overview