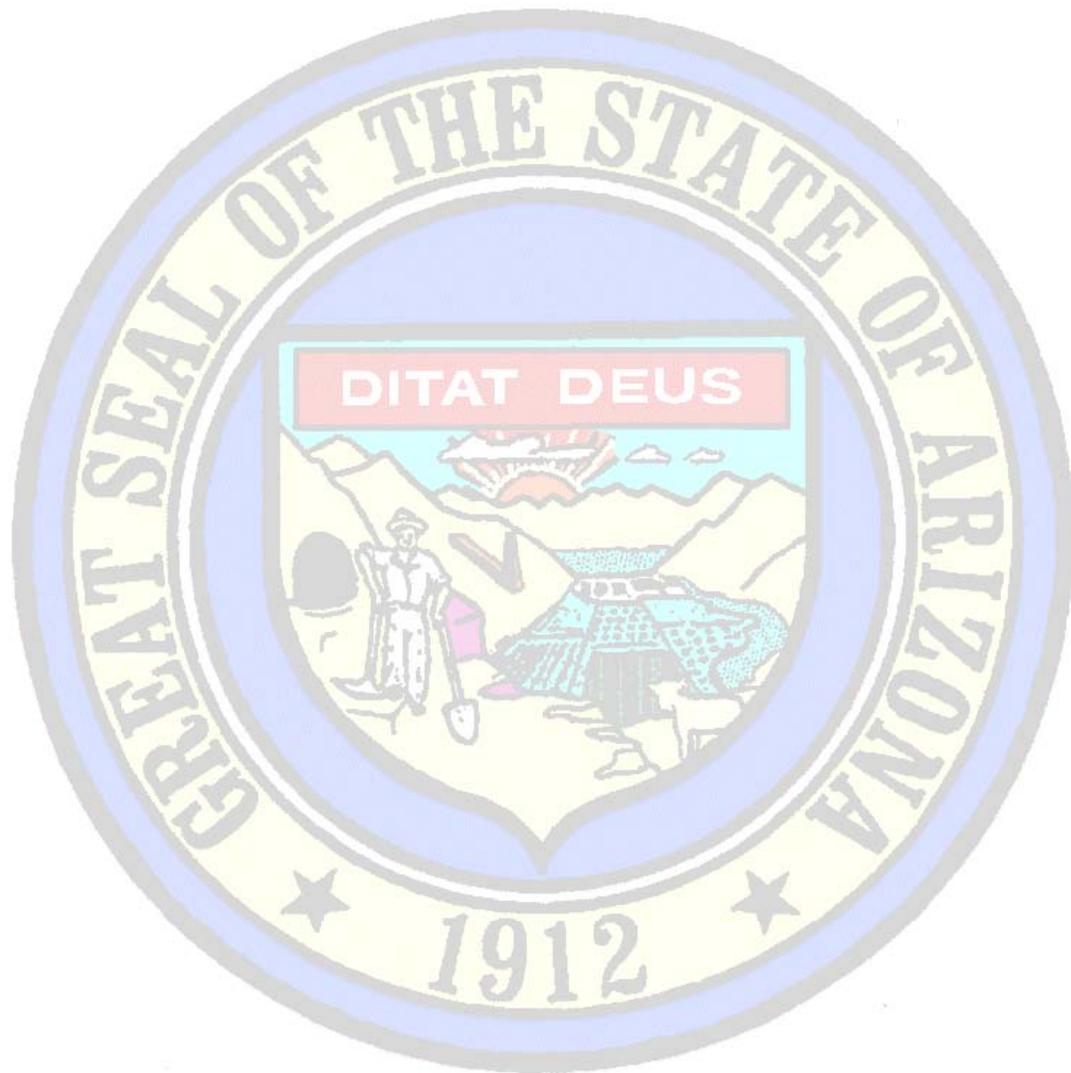


Arizona Department of Education Arizona State Board of Education

State of Arizona Reporting Procedures



April 2003
Revised August 2016

Preface

Protecting the health and welfare of students is the most important and fundamental responsibility of every professional educator. Consequently, it is imperative that all school personnel be educated and hold fast to Arizona's laws regarding the safety of children in Arizona's classrooms. These laws include important guidelines on reporting allegations of child abuse and professional misconduct. Failure to comply with these laws can, above all, result in the needless victimization of children, and may also lead to criminal and administrative proceedings against those who fail to make the required reports.

The document to follow is designed to guide Arizona's professional educators through the process of reporting allegations of child abuse and professional misconduct to the appropriate authorities. Also contained in this document is vital information regarding state resources available to both traditional public schools and charter schools. This information is presented to ensure that Arizona's students are provided the safest possible learning environment.

*

This document is a summary of applicable state laws and is not intended to provide complete information or legal advice on specific problems. Changes in laws and cases may modify the information provided, and school personnel should refer to the current specific laws to determine their duties to report.

Section One: Reporting Statutes

School personnel are required to report allegations of child abuse under two Arizona laws: A.R.S. § 13-3620 and A.R.S. § 15-514. Copies of both these laws are included in the Appendix.

A.R.S. § 13-3620 Reporting to law enforcement or child protective services:

- **Who must report pursuant to A.R.S. § 13-3620?**

A.R.S. § 13-3620 mandates that certain professionals report suspected child abuse to the proper authorities. Among these professionals are nurses, psychologists, social workers, counselors, school personnel or any other person having responsibility for the care or treatment of children. This includes, at least, all teachers and administrators.

- **What must be reported and to whom should these reports be made?**

A.R.S. § 13-3620 generally states that any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, sexual abuse, sexual conduct with a minor, sexual assault, molestation, sexual exploitation of a minor, incest, child prostitution or neglect that appears to have been inflicted on the minor by other than accidental means shall immediately report this information, or cause reports to be made, to a peace officer or child protective services in the department of economic security. Please refer to the statute for a complete list of offenses that must be reported.

Reports required by this statute should be made to either the local law enforcement agency or child protective services (1-888-SOS-CHILD). Generally, if the suspected abuse is committed by a family member or legal guardian the report should be made to child protective services. All other reports should be made to law enforcement.

- **How and when should a report be made?**

A.R.S. § 13-3620 requires two reports. First, the suspected abuse should immediately be reported to the appropriate authorities either in person or by telephone. Second, the statute requires that this be followed by a written report within seventy-two hours. This report shall contain:

1. The names and addresses of the minor and the minor's parents or the person or persons having custody of the minor, if known.
2. The minor's age and the nature and extent of the minor's abuse, child abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.
3. Any other information that the person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury or neglect.

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

The standard for making reports pursuant to A.R.S. § 13-3620 is a “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 report those facts

to the appropriate authorities. ‘Reasonable grounds’ is a low standard”¹ (emphasis added).

School personnel are not required to fully investigate the suspected abuse. Rather, their responsibility is only to report the information to the proper authorities. A person who violates this section is guilty of a class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a class six felony.

A.R.S. § 15-514 (A) Reporting to the Arizona Department of Education:

- **Who must report pursuant to A.R.S. § 15-514(A)?**

All certified individuals (including teachers and administrators) and all governing board members in the state of Arizona are required to report pursuant to A.R.S. § 15-514(A).

- **What must be reported pursuant to A.R.S. § 15-514(A)?**

A.R.S. § 15-514(A) states that a report must be made when an individual reasonably suspects or receives a reasonable allegation that a person certificated by the State Board of Education has engaged in conduct involving minors that would be subject to the reporting requirements of A.R.S. § 13-3620. That conduct includes, but is not limited to, the following: sexual abuse, sexual conduct with a minor, sexual assault, molestation, sexual exploitation of a minor, incest, child prostitution, abuse or physical neglect which appears to have been inflicted on that minor by other than accidental means or any act that may have resulted in the death of a child.

- **How and when should such a report be made?**

A.R.S. § 15-514(A) requires that a report be made in writing as soon as is reasonably practicable, but no later than three business days after the person first suspects or receives an allegation of misconduct. Written reports may be sent to:

Arizona Department of Education
Investigative Unit
1535 W. Jefferson
Phoenix, AZ 85007
(602)542-2972

¹ L.A.R. v. Ludwig, 170 Ariz. 24, 27, 821 P.2d 291, 294 (Ct. App. 1991)

The Investigative Unit also accepts reports via e-mail. Access to the appropriate e-mail address can be obtained through the unit's web site, which is discussed in detail in Section Three.

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

The standard for making a report pursuant to A.R.S. § 15-514(A) is a reasonable suspicion or receipt of a reasonable allegation. Some allegations that were not reportable under A.R.S. § 13-3620 may be reportable under A.R.S. § 15-514.

A.R.S. § 15-514 (B) Reporting to the Arizona Department of Education:

- **Who must report pursuant to A.R.S. § 15-514(B)?**

All school district superintendents and chief administrators of charter schools are required to report pursuant to A.R.S. § 15-514(B).

- **What must be reported pursuant to A.R.S. § 15-514(B)?**

A.R.S. § 15-514(B) states that a report must be made when a school district superintendent or chief administrator of a charter school reasonably suspects or receives a reasonable allegation that a person certificated by the State Board of Education has committed an immoral or unprofessional act that would constitute grounds for dismissal or criminal charges.

The State Board of Education has developed rules defining unprofessional conduct. A copy of these rules is included in the Appendix.

- **How and when should such a report be made?**

Reports made pursuant to A.R.S. § 15-514(B) can be made by telephone by calling the Investigative Unit at (602) 542-2972. Written reports should be sent to:

Arizona Department of Education
Investigative Unit
1535 W. Jefferson
Phoenix, AZ 85007

The Investigative Unit also accepts reports via e-mail. Access to the appropriate e-mail address can be obtained through the unit's web site, which is discussed in detail in Section Three.

A.R.S. § 15-514(B) does not prescribe a specific timeframe for reports to be made, however, the Investigative Unit encourages reports to be submitted as soon as reasonably practicable.

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

The standard for making a report pursuant to A.R.S. § 15-514(B) is a reasonable suspicion or receipt of a reasonable allegation. This is a parallel standard with A.R.S. § 15-514(A).

A.R.S. § 15-514 (F)-Reporting to the Arizona Department of Education:

- **Who must report pursuant to A.R.S. § 15-514(F)?**

All governing board members or school district employees that have control over personnel decisions are required to report pursuant to A.R.S. § 15-514(F).

- **What must be reported pursuant to A.R.S. § 15-514(F)?**

A.R.S. § 15-514(F) states that a governing board member or school district employee charged with personnel decisions may not accept the resignation of a certificated employee that is suspected of committing any reportable violation involving minors until the suspicion or allegation is first reported to the Investigative Unit of the State Board of Education.

- **How and when should such a report be made?**

Reports made pursuant to A.R.S. § 15-514(F) can be made via telephone by calling the Investigative Unit at (602) 542-2972. Written reports should be sent to:

Arizona Department of Education
Investigative Unit
1535 W. Jefferson
Phoenix, AZ 85007

The Investigative Unit also accepts reports via e-mail. Access to the appropriate e-mail address can be obtained through the unit's web site, which is discussed in detail in Section Three.

Reports made pursuant to A.R.S. § 15-514(F) must be made before the individual's resignation is accepted.

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

The standard for making a report pursuant to A.R.S. § 15-514(F) is a reasonable suspicion or receipt of a reasonable allegation. This is a parallel standard with A.R.S. § 15-514(A).

*

Failure to comply with any part of A.R.S. § 15-514 constitutes grounds for disciplinary action by the Board of Education. Disciplinary action may include censure, suspension, suspension with conditions or revocation of an individual's teaching credentials.

Section Two: Important Notes on Reporting

There are some very important points to keep in mind when determining when a report should be made:

1. Both A.R.S. § 13-3620 and A.R.S. § 15-514 are reporting statutes only. School personnel are not required to investigate allegations of misconduct prior to making a report.
2. Both statutes assign direct reporting responsibilities to those aware of the suspected abuse. This means that reporting suspected abuse to one's direct supervisor alone may not satisfy the reporting requirements. The statutes require that you report or cause reports to be made to the proper authorities. Therefore, follow up may be necessary to ensure that the necessary report was made.
3. Determining what should be reported will almost always require the educator to exercise some level of judgment about the allegations. If it is unclear what should be done the best policy is to report the allegations to the proper authorities.
4. Both statutes grant those making reports immunity from civil damages provided that the report was made in good faith. A.R.S. § 13-3620 also grants those making reports immunity from criminal liability.
5. A.R.S. § 15-514 prohibits unlawful reprisal against an employee who made, in good faith, a report required under this statute.

Section Three: Investigative Web Site / Certification Search

Since its 1999 inception, the investigative web site has proven to be a remarkable resource for Arizona's traditional public and charter schools. It is highly recommended that all administrators and personnel directors become familiar with this resource.

The web site allows appropriate school personnel access to the certification history of current and prospective employees. At the web address below, school personnel can view certificate and Fingerprint Clearance Card status, identify ongoing investigations of immoral/unprofessional conduct, as well as any past disciplinary action(s) taken by the State Board of Education.

While the value of this information for traditional public schools (which must employ certificated teachers) is obvious, charter schools will find this information equally useful. All charter school teachers are also required to possess a valid Fingerprint Clearance Card. Additionally, employment of a teacher whose certificate has been revoked for misconduct involving minors is prohibited in charter schools.

<http://www.azed.gov/educator-certification/publicportal/>

Web Address: Secured Investigative web site that displays all Arizona certification services, prior disciplinary action, and allows the user to make a report to the Investigative Unit.

Also included in the web site is the opportunity for the user to make a report of immoral/unprofessional conduct to the State Board of Education's Investigative Unit. Reports made via the web site are e-mailed directly to the Investigative Unit. When making a report through the investigative web site, a form will be provided asking the reporter for pertinent information (see web address below). This feature represents the easiest and most efficient way to report an incident of unprofessional and/or immoral conduct.

<https://azsbe.az.gov/contact-us?topic=investigation%40azsbe.az.gov>

Web Address: Confidential report form that will be electronically sent to the State Board of Education. No action will be implemented until all allegations are thoroughly investigated.

To maintain site security access to the investigative web site is limited to authorized district and charter school personnel. All those seeking access may contact the Investigative Unit at (602) 542-2972.

Appendix

A.R.S. § 13-3620

13-3620. Duty to report abuse, physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors; medical records; exception; violation; classification; definitions

A. 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 or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under section 36-2281 shall immediately report or cause reports to be made of this information to a peace officer, to the department of child safety or to a tribal law enforcement or social services agency for any Indian minor who resides on an Indian reservation, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only. A member of the clergy, a christian science practitioner or a priest who has received a confidential communication or a confession in that person's role as a member of the clergy, as a christian science practitioner or as a priest in the course of the discipline enjoined by the church to which the member of the clergy, the christian science practitioner or the priest belongs may withhold reporting of the communication or confession if the member of the clergy, the christian science practitioner or the priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to personal observations the member of the clergy, the christian science practitioner or the priest may otherwise make of the minor. For the purposes of this subsection, "person" means:

1. Any physician, physician's assistant, optometrist, dentist, osteopath, chiropractor, podiatrist, behavioral health professional, nurse, psychologist, counselor or social worker who develops the reasonable belief in the course of treating a patient.
2. Any peace officer, child welfare investigator, child safety worker, member of the clergy, priest or christian science practitioner.
3. The parent, stepparent or guardian of the minor.
4. School personnel or domestic violence victim advocates who develop the reasonable belief in the course of their employment.
5. Any other person who has responsibility for the care or treatment of the minor.

B. A report is not required under this section either:

1. For conduct prescribed by sections 13-1404 and 13-1405 if the conduct involves only minors who are fourteen, fifteen, sixteen or seventeen years of age and there is nothing to indicate that the conduct is other than consensual.
2. If a minor is of elementary school age, the physical injury occurs accidentally in the course of typical playground activity during a

school day, occurs on the premises of the school that the minor attends and is reported to the legal parent or guardian of the minor and the school maintains a written record of the incident.

- C. If a physician, psychologist or behavioral health professional receives a statement from a person other than a parent, stepparent, guardian or custodian of the minor during the course of providing sex offender treatment that is not court ordered or that does not occur while the offender is incarcerated in the state department of corrections or the department of juvenile corrections, the physician, psychologist or behavioral health professional may withhold the reporting of that statement if the physician, psychologist or behavioral health professional determines it is reasonable and necessary to accomplish the purposes of the treatment.
- D. Reports shall be made immediately either electronically or by telephone. The reports shall contain the following information, if known:
 - 1. The names and addresses of the minor and the minor's parents or the person or persons having custody of the minor.
 - 2. The minor's age and the nature and extent of the minor's abuse, child abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.
 - 3. Any other information that the person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury or neglect.
- E. A health care professional who is regulated pursuant to title 32 and who, after a routine newborn physical assessment of a newborn infant's health status or following notification of positive toxicology screens of a newborn infant, reasonably believes that the newborn infant may be affected by the presence of alcohol or a drug listed in section 13-3401 shall immediately report this information, or cause a report to be made, to the department of child safety. For the purposes of this subsection, "newborn infant" means a newborn infant who is under thirty days of age.
- F. Any person other than one required to report or cause reports to be made under subsection A of this section who reasonably believes that a minor is or has been a victim of abuse, child abuse, physical injury, a reportable offense or neglect may report the information to a peace officer or to the department of child safety, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only.
- G. A person who has custody or control of medical records of a minor for whom a report is required or authorized under this section shall make the records, or a copy of the records, available to a peace officer, child welfare investigator or child safety worker investigating the minor's neglect, child abuse, physical injury or abuse on written request for the records signed by the peace officer, child welfare investigator or child safety worker. Records disclosed pursuant to this subsection are confidential and may be used only in a judicial or administrative proceeding or investigation resulting from a report required or authorized under this section.
- H. When reports are received by a peace officer, the officer shall immediately notify the department of child safety. Notwithstanding any other statute, when the department receives these reports, it shall immediately notify a peace officer in the appropriate jurisdiction.

- I. Any person who is required to receive reports pursuant to subsection A of this section may take or cause to be taken photographs of the minor and the vicinity involved. Medical examinations of the involved minor may be performed.
- J. A person who furnishes a report, information or records required or authorized under this section, or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under this section, is immune from any civil or criminal liability by reason of that action unless the person acted with malice or unless the person has been charged with or is suspected of abusing or neglecting the child or children in question.
- K. Except for the attorney client privilege or the privilege under subsection L of this section, no privilege applies to any:
 - 1. Civil or criminal litigation or administrative proceeding in which a minor's neglect, dependency, abuse, child abuse, physical injury or abandonment is an issue.
 - 2. Judicial or administrative proceeding resulting from a report, information or records submitted pursuant to this section.
 - 3. Investigation of a minor's child abuse, physical injury, neglect or abuse conducted by a peace officer or the department of child safety.
- L. In any civil or criminal litigation in which a child's neglect, dependency, physical injury, abuse, child abuse or abandonment is an issue, a member of the clergy, a christian science practitioner or a priest shall not, without his consent, be examined as a witness concerning any confession made to him in his role as a member of the clergy, a christian science practitioner or a priest in the course of the discipline enjoined by the church to which he belongs. This subsection does not discharge a member of the clergy, a christian science practitioner or a priest from the duty to report pursuant to subsection A of this section.
- M. If psychiatric records are requested pursuant to subsection G of this section, the custodian of the records shall notify the attending psychiatrist, who may excise from the records, before they are made available:
 - 1. Personal information about individuals other than the patient.
 - 2. Information regarding specific diagnosis or treatment of a psychiatric condition, if the attending psychiatrist certifies in writing that release of the information would be detrimental to the patient's health or treatment.
- N. If any portion of a psychiatric record is excised pursuant to subsection M of this section, a court, on application of a peace officer, child welfare investigator or child safety worker, may order that the entire record or any portion of the record that contains information relevant to the reported abuse, child abuse, physical injury or neglect be made available to the peace officer, child welfare investigator or child safety worker investigating the abuse, child abuse, physical injury or neglect.
- O. A person who violates this section is guilty of a class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a class 6 felony.
- P. For the purposes of this section:
 - 1. "Abuse" has the same meaning prescribed in section 8-201.
 - 2. "Child abuse" means child abuse pursuant to section 13-3623.

3. "Neglect" has the same meaning prescribed in section 8-201.
4. "Reportable offense" means any of the following:
 - (a) Any offense listed in chapters 14 and 35.1 of this title or section 13-3506.01.
 - (b) Surreptitious photographing, videotaping, filming or digitally recording or viewing a minor pursuant to section 13-3019.
 - (c) Child prostitution pursuant to section 13-3212.
 - (d) Incest pursuant to section 13-3608.
 - (e) Unlawful mutilation pursuant to section 13-1214.

A.R.S. § 15-514

15-514. [Reports of immoral or unprofessional conduct; immunity](#)

A. Any certificated person or governing board member who reasonably suspects or receives a reasonable allegation that a person certificated by the state board of education has engaged in conduct involving minors that would be subject to the reporting requirements of section 13-3620 shall report or cause reports to be made to the department of education in writing as soon as is reasonably practicable but not later than three business days after the person first suspects or receives an allegation of the conduct.

B. The superintendent of a school district or the chief administrator of a charter school who reasonably suspects or receives a reasonable allegation that an act of immoral or unprofessional conduct that would constitute grounds for dismissal or criminal charges by a certificated person has occurred shall report the conduct to the department of education.

C. A person who reports or provides information pursuant to this section regarding the immoral or unprofessional conduct of a certificated person in good faith is not subject to an action for civil damages as a result.

D. A governing board or school or school district employee who has control over personnel decisions shall not take unlawful reprisal against an employee because the employee reports in good faith information as required by this section. For the purposes of this subsection "unlawful reprisal" means an action that is taken by a governing board as a direct result of a lawful report pursuant to this section and, with respect to the employee, results in one or more of the following:

1. Disciplinary action.
2. Transfer or reassignment.
3. Suspension, demotion or dismissal.
4. An unfavorable performance evaluation.
5. Other significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification.

E. Failure to report information as required by this section by a certificated person constitutes grounds for disciplinary action by the state board of education.

F. A governing board or school district employee who has control over personnel decisions and who reasonably suspects or receives a reasonable allegation that a person certificated by the state board of education has engaged in conduct involving minors that would be subject to the reporting requirements of section 13-3620 and this article shall not accept the resignation of the certificate holder until these suspicions or allegations have been reported to the state board of education.

Rules Defining Unprofessional and Immoral Conduct

TITLE 7. EDUCATION
CHAPTER 2. STATE BOARD OF EDUCATION
ARTICLE 13. CONDUCT

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.