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Chapter: 40

SB 1437: mandatory reporting; school employees; investigations

Sponsor: Senator Werner, LD 4

Signed by the Governor

Overview

Modifies requirements relating to the duty to report abuse of minors and the duty to report immoral or unprofessional conduct by school personnel.

History

A person who reasonably believes that a minor is, or has been, the victim of the following incidents must immediately report this information to a peace officer, the Arizona Department of Child Safety (DCS) or, if the minor resides on an Indian reservation, a tribal law enforcement or social services agency: 1) physical injury; 2) abuse; 3) a reportable offense; 4) neglect that appears to not be accidental; or 5) denial or deprivation of necessary medical treatment, surgical care or nourishment. If the report concerns a person who does not have care, custody or control of the minor, the report must be made only to a peace officer. Individuals subject to the mandatory reporting requirement include specified medical professionals, a minor's guardians, school personnel and any other person responsible for the care or treatment of the minor. A *reportable offense* includes: 1) sexual offenses; 2) sexual exploitation of a minor; 3) surreptitious recording or viewing of a minor; 4) child sex trafficking; 5) incest; and 6) unlawful mutilation ([A.R.S. § 13-3620](#)).

A county attorney must implement protocols to guide investigations of allegations of crimes against children. This local county protocol must include the training required for the involved child safety workers, law enforcement officers and prosecutors to execute the investigation protocols, including forensic interviewing skills ([A.R.S. § 8-817](#)).

The Arizona Prosecuting Attorneys' Advisory Council (Council) must develop a statewide training curriculum on the state's mandatory reporting laws for public school personnel. Each public school must require its personnel to complete this training. The Arizona Department of Education must make the Council-developed materials available to parents, students and private schools ([A.R.S. § 15-245](#)).

A certificated person, noncertificated person or school district governing board (governing board) member who reasonably suspects or receives a reasonable allegation that a State Board of Education (SBE)-certificated person or noncertificated person engaged in conduct involving minors that is subject to the duty to report abuse of minors must report to SBE. A person who, in good faith, reports or provides information regarding immoral or unprofessional conduct is not subject to an action for civil damages as a result. A governing board or school or school district employee with control over personnel decisions may not take

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

unlawful reprisal against an employee who reports information in good faith as required by the duty to report immoral or unprofessional conduct ([A.R.S. § 15-514](#))

Provisions

Duty to Report Abuse of Minors

1. Subjects a governing board member, charter school governing body (governing body) member and substitute teacher to the duty to report abuse of minors. (Sec. 1)
2. Requires a school resource officer (SRO) or school safety officer (SSO) who receives a report regarding the duty to report abuse of minors to immediately notify a law enforcement agency in the appropriate jurisdiction and submit all information relating to the report for investigation by the law enforcement agency. (Sec. 1)
3. Stipulates a student who is identified as a potential victim of a reportable offense may be interviewed only as provided by the adopted local county protocol. (Sec. 1)
4. States an SRO or SSO is not prevented from receiving a voluntary report of a reportable offense from a student who is an alleged victim nor asking a student minimal follow-up questions that are necessary and authorized by the local county protocol. (Sec. 1)
5. Asserts that a report to an SRO or SSO does not satisfy the duty to report abuse of minors. (Sec. 1)

Duty to Report Immoral or Unprofessional Conduct

6. Subjects governing body members to the duty to report immoral or unprofessional conduct. (Sec. 2)
7. Broadens the individuals, from an SBE-certificated or noncertificated person to a public school employee, for whom a report must be made if specified individuals reasonably suspect or receive a reasonable allegation that the public school employee engaged in conduct that is subject to the duty to report abuse of minors. (Sec. 2)
8. Specifies public school employee includes employment through a third-party contractor. (Sec. 2)
9. Directs a certificated person, noncertificated person, governing board member or governing body member to immediately report the alleged immoral or unprofessional conduct to a local law enforcement agency. (Sec. 2)
10. States a report to an SRO or SSO does not satisfy the duty to report immoral or unprofessional conduct. (Sec. 2)
11. Stipulates that if the conduct that is the subject of the reported suspicions or allegations is a reportable offense, any investigation of the conduct is subject to the following:
 - a) an SRO, SSO or school administrator who receives a report must submit all information relating to the report to a local law enforcement agency; and
 - b) the student identified as a potential victim of the alleged conduct may be interviewed only as provided by the local county protocol. (Sec. 2)
12. Asserts a school employee, SSO or SRO is not prevented from receiving a voluntary report of sexual conduct by a school employee from a student who is an alleged victim. (Sec. 2)

Miscellaneous

13. Defines *student*. (Sec. 1)
14. Defines *SSO*. (Sec. 1, 2)
15. Makes technical and conforming changes. (Sec. 1, 2)