State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SENATE BILL 1503

AN ACT

AMENDING TITLE 15, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-505; RELATING TO SCHOOL EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 15, chapter 5, article 1, Arizona Revised Statutes, is amended by adding section 15-505, to read:

15-505. Electronic communications; technology; school employees and pupils; exemption; policies and procedures; definitions

A. A SCHOOL EMPLOYEE, A SUBSTITUTE TEACHER OR A VOLUNTEER SERVING IN THE CAPACITY OF A SCHOOL EMPLOYEE SHALL USE ONLY SCHOOL TECHNOLOGY PLATFORMS TO DIRECTLY ENGAGE IN ELECTRONIC COMMUNICATIONS WITH A PUPIL WHO IS CURRENTLY ENROLLED IN THE SCHOOL DISTRICT OR SCHOOL AND SHALL ENGAGE IN ELECTRONIC COMMUNICATIONS WITH SUCH A PUPIL ONLY FOR PURPOSES REGARDING ACADEMIC OR EXTRACURRICULAR ACTIVITIES, OR BOTH.

B. THE FOLLOWING PERSONS ARE EXEMPT FROM SUBSECTION A OF THIS SECTION:

1. A VOLUNTEER WITH A PARENT-TEACHER ORGANIZATION OR A SCHOOL COUNCIL ESTABLISHED PURSUANT TO SECTION 15-351.

2. AN IMMEDIATE FAMILY MEMBER OF A PUPIL PURSUANT TO THE POLICIES AND PROCEDURES ADOPTED UNDER SUBSECTION C, PARAGRAPH 3 OF THIS SECTION.

3. A PERSON WHO HAS A SOCIAL RELATIONSHIP WITH A PUPIL PURSUANT TO THE POLICIES AND PROCEDURES ADOPTED UNDER SUBSECTION C, PARAGRAPH 4 OF THIS SECTION.

4. A CHAPERONE WHO VOLUNTEERS ON A FIELD TRIP OR OTHER EXTRACURRICULAR ACTIVITY PURSUANT TO THE POLICIES AND PROCEDURES ADOPTED UNDER SUBSECTION C, PARAGRAPH 5 OF THIS SECTION.


1. A LIST OF THE APPROVED SCHOOL TECHNOLOGY PLATFORMS THAT SCHOOL EMPLOYEES AND PUPILS MAY USE TO COMMUNICATE.

2. PROVISIONS THAT CLEARLY PROHIBIT SCHOOL EMPLOYEES FROM USING PERSONAL TECHNOLOGIES, MOBILE TECHNOLOGIES OR SOCIAL MEDIA WEBSITES TO INTERACT ONLINE OR COMMUNICATE DIRECTLY WITH A PUPIL UNLESS THE INTERACTION OR COMMUNICATION IS THROUGH SCHOOL TECHNOLOGY PLATFORMS.

3. EXCEPTIONS TO THE PERSONAL USE POLICY PRESCRIBED UNDER THIS SECTION FOR IMMEDIATE FAMILY RELATIONSHIPS.
4. EXCEPTIONS TO THE PERSONAL USE POLICY PRESCRIBED UNDER THIS SECTION FOR SOCIAL RELATIONSHIPS WITH WRITTEN CONSENT OF THE PUPIL'S PARENT OR LEGAL GUARDIAN.

5. EXCEPTIONS TO THE PERSONAL USE POLICY PRESCRIBED UNDER THIS SECTION FOR CHAPERONES WHO VOLUNTEER ON A FIELD TRIP OR OTHER EXTRACURRICULAR ACTIVITY WITH WRITTEN CONSENT OF THE PUPIL'S PARENT OR LEGAL GUARDIAN.

6. PROVISIONS DESIGNED TO PREVENT IMPROPER ELECTRONIC COMMUNICATIONS BETWEEN SCHOOL EMPLOYEES AND PUPILS.

7. FACTORS FOR SCHOOL EMPLOYEES TO CONSIDER WHEN ASSESSING WHETHER AN ELECTRONIC COMMUNICATION FROM A PUPIL IS IMPROPER, INCLUDING:
   (a) THE NATURE, PURPOSE, TIMING AND FREQUENCY OF THE COMMUNICATION.
   (b) THE SUBJECT MATTER OF THE COMMUNICATION.
   (c) WHETHER THE COMMUNICATION COULD BE REASONABLY INTERPRETED AS SOLICITING SEXUAL CONTACT OR A ROMANTIC RELATIONSHIP.
   (d) WHETHER THE COMMUNICATION IS SEXUALLY EXPLICIT.
   (e) WHETHER THE COMMUNICATION INVOLVES DISCUSSION OF THE PUPIL'S PHYSICAL ATTRACTIVENESS OR SEXUAL HISTORY, ACTIVITIES, PREFERENCES OR FANTASIES.

8. SPECIFIC GUIDANCE ON THE PROPER METHOD FOR NOTIFYING THE SCHOOL PRINCIPAL AND OTHER ADMINISTRATORS ABOUT AN INCIDENT IN WHICH A PUPIL INDICATES IN AN ELECTRONIC COMMUNICATION THAT THE PUPIL IS A THREAT TO THE PUPIL OR TO OTHERS.

9. SPECIFIC GUIDANCE ON THE PROPER METHOD FOR NOTIFYING THE SCHOOL PRINCIPAL AND OTHER ADMINISTRATORS ABOUT AN INCIDENT IN WHICH A PUPIL ENGAGES IN IMPROPER ELECTRONIC COMMUNICATIONS WITH THE SCHOOL EMPLOYEE.

10. AN ADMINISTRATIVE PROCESS FOR A PUPIL, PARENT OR LEGAL GUARDIAN TO FILE A COMPLAINT IF A SCHOOL EMPLOYEE HAS VIOLATED THE POLICIES AND PROCEDURES.

11. DISCIPLINARY ACTIONS FOR VIOLATIONS OF THE POLICIES AND PROCEDURES.

D. EACH SCHOOL DISTRICT AND SCHOOL SHALL INCLUDE THE POLICIES AND PROCEDURES DEVELOPED PURSUANT TO THIS SECTION IN THE SCHOOL DISTRICT'S OR SCHOOL'S STUDENT HANDBOOK, IF APPLICABLE, AND PROVIDE A WRITTEN OR ELECTRONIC COPY TO EACH PARENT OR LEGAL GUARDIAN ANNUALLY AT THE TIME THE PARENT OR LEGAL GUARDIAN REGISTERS THE PUPIL AT THE SCHOOL DISTRICT OR SCHOOL.

E. THE STATE BOARD OF EDUCATION SHALL DEVELOP AND POST ON THE STATE BOARD OF EDUCATION'S WEBSITE A PARENTAL RESOURCE GUIDE THAT INCLUDES AMERICAN SIGN LANGUAGE AND THAT PROVIDES PARENTS AND LEGAL GUARDIANS WITH THE INFORMATION REGARDING HOW AND THE ELECTRONIC MEANS IN WHICH TO FILE A COMPLAINT WITH A PUPIL'S SCHOOL DISTRICT OR SCHOOL IF THE PARENT OR GUARDIAN BELIEVES A SCHOOL EMPLOYEE HAS VIOLATED THE POLICIES AND PROCEDURES PRESCRIBED PURSUANT TO THIS SECTION.
F. FOR THE PURPOSES OF THIS SECTION:

1. "ELECTRONIC COMMUNICATION":
   (a) MEANS ANY COMMUNICATION FACILITATED BY USING ANY ELECTRONIC
       DEVICE, INCLUDING A TELEPHONE, CELLULAR PHONE, COMPUTER, COMPUTER NETWORK,
       PERSONAL DIGITAL ASSISTANT OR Pager.
   (b) INCLUDES EMAILS, TEXT MESSAGES, INSTANT MESSAGES AND ANY
       COMMUNICATIONS MADE THROUGH A WEBSITE, INCLUDING A SOCIAL MEDIA WEBSITE OR
       A SOCIAL NETWORKING WEBSITE.

2. "PERSONAL TECHNOLOGIES" MEANS ANY TECHNOLOGIES THAT ARE NOT
   OWNED OR CONTROLLED BY A SCHOOL DISTRICT OR SCHOOL.

3. "SCHOOL" MEANS A SCHOOL OPERATED BY A SCHOOL DISTRICT, A CHARTER
   SCHOOL OR THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND.

4. "SCHOOL TECHNOLOGY PLATFORMS" MEANS ANY TECHNOLOGY INCLUDING
   SOFTWARE, MOBILE OR INTERNET-BASED APPLICATIONS THAT IS OWNED OR
   CONTROLLED AND APPROVED BY A SCHOOL DISTRICT OR SCHOOL.

5. "SOCIAL RELATIONSHIPS" MEANS A RELATIONSHIP BETWEEN A SCHOOL
   EMPLOYEE AND A PUPIL IN WHICH ANY OF THE FOLLOWING APPLIES:
   (a) THE PUPIL IS A RELATIVE OUTSIDE OF THE SCHOOL EMPLOYEE'S
       IMMEDIATE FAMILY.
   (b) THE PUPIL IS THE CHILD OF THE SCHOOL EMPLOYEE'S FRIEND.
   (c) THE PUPIL IS THE FRIEND OF THE SCHOOL EMPLOYEE'S CHILD.
   (d) THE PUPIL AND THE SCHOOL EMPLOYEE PARTICIPATE IN THE SAME
       CIVIC, SOCIAL, RECREATIONAL OR RELIGIOUS ORGANIZATION.

(EMERGENCY NOT ENACTED)

Sec. 2. Emergency

This act is an emergency measure that is necessary to preserve the
public peace, health or safety and is operative immediately as provided by
law.