

REFERENCE TITLE: schools; safety; threat assessment teams

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HB 2089

Introduced by
Representative Kavanagh

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-160; AMENDING SECTION 41-1729, ARIZONA REVISED STATUTES;
RELATING TO SCHOOL SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 5, Arizona Revised
3 Statutes, is amended by adding section 15-160, to read:

4 15-160. Threat assessment teams; oversight committees; report

5 A. EACH SCHOOL DISTRICT GOVERNING BOARD SHALL ADOPT POLICIES TO
6 ESTABLISH THREAT ASSESSMENT TEAMS. AT A MINIMUM, THE POLICIES SHALL
7 INCLUDE PROCEDURES FOR BOTH OF THE FOLLOWING:

8 1. ASSESSING INDIVIDUALS WHOSE BEHAVIOR MAY POSE A THREAT TO THE
9 SAFETY OF SCHOOL STAFF OR PUPILS AND INTERVENING WHEN NECESSARY.

10 2. REFERRING INDIVIDUALS DESCRIBED IN PARAGRAPH 1 OF THIS
11 SUBSECTION TO COMMUNITY SERVICES BOARDS OR HEALTH CARE PROVIDERS TO BE
12 EVALUATED AND TREATED, WHEN APPROPRIATE.

13 B. THE SUPERINTENDENT OF EACH SCHOOL DISTRICT SHALL ESTABLISH, FOR
14 EACH SCHOOL, A THREAT ASSESSMENT TEAM THAT INCLUDES, SUBJECT TO STAFF
15 AVAILABILITY, PERSONS WITH EXPERTISE IN COUNSELING, INSTRUCTION, SCHOOL
16 ADMINISTRATION AND LAW ENFORCEMENT. THREAT ASSESSMENT TEAMS MAY BE
17 ESTABLISHED TO SERVE ONE OR MORE SCHOOLS AS DETERMINED BY THE
18 SUPERINTENDENT OF THE SCHOOL DISTRICT. EACH THREAT ASSESSMENT TEAM SHALL
19 DO ALL OF THE FOLLOWING:

20 1. PROVIDE GUIDANCE TO PUPILS, SCHOOL FACULTY AND SCHOOL STAFF
21 REGARDING RECOGNIZING AN INDIVIDUAL'S THREATENING OR ABERRANT BEHAVIOR
22 THAT MAY THREATEN THE COMMUNITY, THE SCHOOL OR SELF.

23 2. IDENTIFY MEMBERS OF THE SCHOOL COMMUNITY TO WHOM THREATENING
24 BEHAVIOR MUST BE REPORTED.

25 3. IMPLEMENT THE POLICIES ADOPTED BY THE SCHOOL DISTRICT GOVERNING
26 BOARD PURSUANT TO SUBSECTION A OF THIS SECTION

27 C. THE SUPERINTENDENT OF EACH SCHOOL DISTRICT MAY ESTABLISH A
28 COMMITTEE THAT IS CHARGED WITH OVERSEEING THE THREAT ASSESSMENT TEAMS
29 OPERATING WITHIN THE SCHOOL DISTRICT. A COMMITTEE ESTABLISHED PURSUANT TO
30 THIS SUBSECTION MAY BE AN EXISTING COMMITTEE ESTABLISHED BY THE SCHOOL
31 DISTRICT. THE COMMITTEE SHALL INCLUDE, SUBJECT TO STAFF AVAILABILITY,
32 INDIVIDUALS WITH EXPERTISE IN HUMAN RESOURCES, EDUCATION, SCHOOL
33 ADMINISTRATION, MENTAL HEALTH AND LAW ENFORCEMENT.

34 D. AFTER PRELIMINARILY DETERMINING THAT AN INDIVIDUAL POSES A
35 THREAT OF VIOLENCE OR PHYSICAL HARM TO SELF OR OTHERS, A THREAT ASSESSMENT
36 TEAM SHALL IMMEDIATELY REPORT ITS DETERMINATION TO THE SCHOOL DISTRICT
37 SUPERINTENDENT OR THE SCHOOL DISTRICT SUPERINTENDENT'S DESIGNEE. IF THE
38 INDIVIDUAL IS A PUPIL, THE SCHOOL DISTRICT SUPERINTENDENT OR THE SCHOOL
39 DISTRICT SUPERINTENDENT'S DESIGNEE SHALL IMMEDIATELY ATTEMPT TO NOTIFY THE
40 PUPIL'S PARENT OR LEGAL GUARDIAN. THIS SUBSECTION DOES NOT PRECLUDE
41 SCHOOL DISTRICT PERSONNEL FROM ACTING IMMEDIATELY TO ADDRESS AN IMMINENT
42 THREAT.

43 E. AFTER A THREAT ASSESSMENT TEAM PRELIMINARILY DETERMINES THAT AN
44 INDIVIDUAL POSES A THREAT OF VIOLENCE TO SELF OR OTHERS OR EXHIBITS
45 SIGNIFICANTLY DISRUPTIVE BEHAVIOR OR A NEED FOR ASSISTANCE, THE LAW

1 ENFORCEMENT OFFICER ON THE THREAT ASSESSMENT TEAM MAY REQUEST ANY CASE
2 INFORMATION RELATING TO AN INDIVIDUAL PURSUANT TO SECTION 41-1729 AND MAY
3 CONDUCT A CHECK OF THE INDIVIDUAL'S CRIMINAL HISTORY RECORDS PURSUANT TO
4 SECTION 41-1750. THREAT ASSESSMENT TEAM MEMBERS MAY NOT DISCLOSE ANY
5 INFORMATION OBTAINED PURSUANT TO THIS SECTION OR OTHERWISE USE ANY RECORD
6 OF AN INDIVIDUAL BEYOND THE PURPOSE FOR WHICH THE DISCLOSURE WAS MADE TO
7 THE THREAT ASSESSMENT TEAM.

8 F. EACH THREAT ASSESSMENT TEAM ESTABLISHED PURSUANT TO THIS SECTION
9 SHALL COLLECT AND REPORT TWICE EACH YEAR TO THE SUPERINTENDENT OF PUBLIC
10 INSTRUCTION AND THE ARIZONA COUNTER TERRORISM INFORMATION CENTER IN THE
11 DEPARTMENT OF PUBLIC SAFETY DATA ON ITS ACTIVITIES USING A FORM PROVIDED
12 BY THE ARIZONA COUNTER TERRORISM INFORMATION CENTER IN A MANNER CONSISTENT
13 WITH SUBSECTION G OF THIS SECTION.

14 G. THIS SECTION DOES NOT AUTHORIZE A THREAT ASSESSMENT TEAM TO
15 COLLECT AND REPORT DATA THAT IS PROTECTED UNDER THE HEALTH INSURANCE
16 PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (P.L. 104-191; 110 STAT. 1936)
17 OR THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (P.L. 93-380; 88
18 STAT. 57).

19 Sec. 2. Section 41-1729, Arizona Revised Statutes, is amended to
20 read:

21 41-1729. Law enforcement agencies; access to criminal justice
22 information

23 The department shall provide a law enforcement agency with access to
24 the case information that it receives from the supreme court pursuant to
25 sections 13-609, 14-5304 and 36-540 for the ~~purpose~~ PURPOSES of enforcing
26 a court order, assisting in an investigation, ~~or~~ returning property OR
27 ASSESSING AN INDIVIDUAL PURSUANT TO SECTION 15-160.