

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)

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

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

4 15-505. Electronic communications; technology; school
5 employees and pupils; exemption; policies and
6 procedures; definitions

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

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

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

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

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

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

25 C. EACH SCHOOL DISTRICT GOVERNING BOARD AND CHARTER SCHOOL
26 GOVERNING BODY AND THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND
27 SHALL PRESCRIBE AND ENFORCE POLICIES AND PROCEDURES FOR SCHOOL EMPLOYEES
28 ON USING ELECTRONIC COMMUNICATIONS THROUGH SCHOOL TECHNOLOGY PLATFORMS
29 BETWEEN SCHOOL EMPLOYEES AND PUPILS WHO ARE CURRENTLY ENROLLED IN THE
30 SCHOOL DISTRICT OR SCHOOL. THESE POLICIES AND PROCEDURES SHALL BE
31 DISTRIBUTED TO ALL GOVERNING BOARD MEMBERS, ALL GOVERNING BODY MEMBERS OR
32 ALL MEMBERS OF THE BOARD OF DIRECTORS OF THE ARIZONA STATE SCHOOLS FOR THE
33 DEAF AND THE BLIND AND ALL EMPLOYEES OF THE SCHOOL DISTRICT OR SCHOOL AT
34 THE BEGINNING OF EACH SCHOOL YEAR AND TO ALL NEWLY HIRED SCHOOL EMPLOYEES
35 AS PART OF THE HIRING PROCESS. THE POLICIES AND PROCEDURES MUST INCLUDE
36 ALL OF THE FOLLOWING:

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

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

43 3. EXCEPTIONS TO THE PERSONAL USE POLICY PRESCRIBED UNDER THIS
44 SECTION FOR IMMEDIATE FAMILY RELATIONSHIPS.

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

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

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

10 7. FACTORS FOR SCHOOL EMPLOYEES TO CONSIDER WHEN ASSESSING WHETHER
11 AN ELECTRONIC COMMUNICATION FROM A PUPIL IS IMPROPER, INCLUDING:

12 (a) THE NATURE, PURPOSE, TIMING AND FREQUENCY OF THE COMMUNICATION.

13 (b) THE SUBJECT MATTER OF THE COMMUNICATION.

14 (c) WHETHER THE COMMUNICATION COULD BE REASONABLY INTERPRETED AS
15 SOLICITING SEXUAL CONTACT OR A ROMANTIC RELATIONSHIP.

16 (d) WHETHER THE COMMUNICATION IS SEXUALLY EXPLICIT.

17 (e) WHETHER THE COMMUNICATION INVOLVES DISCUSSION OF THE PUPIL'S
18 PHYSICAL ATTRACTIVENESS OR SEXUAL HISTORY, ACTIVITIES, PREFERENCES OR
19 FANTASIES.

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

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

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

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

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

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

1 F. FOR THE PURPOSES OF THIS SECTION:
2 1. "ELECTRONIC COMMUNICATION":
3 (a) MEANS ANY COMMUNICATION FACILITATED BY USING ANY ELECTRONIC
4 DEVICE, INCLUDING A TELEPHONE, CELLULAR PHONE, COMPUTER, COMPUTER NETWORK,
5 PERSONAL DIGITAL ASSISTANT OR PAGER.
6 (b) INCLUDES EMAILS, TEXT MESSAGES, INSTANT MESSAGES AND ANY
7 COMMUNICATIONS MADE THROUGH A WEBSITE, INCLUDING A SOCIAL MEDIA WEBSITE OR
8 A SOCIAL NETWORKING WEBSITE.
9 2. "PERSONAL TECHNOLOGIES" MEANS ANY TECHNOLOGIES THAT ARE NOT
10 OWNED OR CONTROLLED BY A SCHOOL DISTRICT OR SCHOOL.
11 3. "SCHOOL" MEANS A SCHOOL OPERATED BY A SCHOOL DISTRICT, A CHARTER
12 SCHOOL OR THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND.
13 4. "SCHOOL TECHNOLOGY PLATFORMS" MEANS ANY TECHNOLOGY INCLUDING
14 SOFTWARE, MOBILE OR INTERNET-BASED APPLICATIONS THAT IS OWNED OR
15 CONTROLLED AND APPROVED BY A SCHOOL DISTRICT OR SCHOOL.
16 5. "SOCIAL RELATIONSHIPS" MEANS A RELATIONSHIP BETWEEN A SCHOOL
17 EMPLOYEE AND A PUPIL IN WHICH ANY OF THE FOLLOWING APPLIES:
18 (a) THE PUPIL IS A RELATIVE OUTSIDE OF THE SCHOOL EMPLOYEE'S
19 IMMEDIATE FAMILY.
20 (b) THE PUPIL IS THE CHILD OF THE SCHOOL EMPLOYEE'S FRIEND.
21 (c) THE PUPIL IS THE FRIEND OF THE SCHOOL EMPLOYEE'S CHILD.
22 (d) THE PUPIL AND THE SCHOOL EMPLOYEE PARTICIPATE IN THE SAME
23 CIVIC, SOCIAL, RECREATIONAL OR RELIGIOUS ORGANIZATION.
24 (EMERGENCY NOT ENACTED)
25 Sec. 2. Emergency
26 This act is an emergency measure that is necessary to preserve the
27 public peace, health or safety and is operative immediately as provided by
28 law.