



## Arizona Department of Education

Office of Superintendent Kathy Hoffman

June 22, 2021

The Honorable Mark Brnovich  
Arizona Attorney General  
1275 West Washington Street  
Phoenix, Arizona 85007

Re: Opinion Request Regarding Arizona Revised Statutes 15-514 and Changes to Federal Title IX Rules

Dear Attorney General Brnovich:

As authorized by A.R.S. § 41 -193(A)(7), I respectfully request that you issue an opinion with regards to the following question: Do recent changes to the regulations implementing Title IX of the Education Amendments of 1972 impact the requirement per Arizona Revised Statutes 15-514 to protect minors by reporting reasonable suspicions or reasonable allegations as required under Arizona law?

The Arizona Department of Education has been notified by some school districts that recent changes to the federal Title IX process preclude them from reporting when they reasonably suspect or receive a reasonable allegation that a person has engaged in reportable conduct involving minors within three business days as required by Arizona Revised Statutes 15-514.

The text of A.R.S. § 15-514(A) reads: 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.

ADE views the requirements of A.R.S. § 15-514 as completely unrelated to any due process procedures districts must follow related to Title IX. Thus, ADE is seeking an Attorney General Opinion confirming that any changes to the Title IX process do not impact the duty to protect minors by reporting reasonable suspicions or reasonable allegations as required under Arizona law.

Sincerely,

A handwritten signature in black ink that reads "Kate Wright".

Kate Wright  
Chief of Staff  
Arizona Department of Education

**Kathy Hoffman, Superintendent of Public Instruction**