The summaries of the Colorado Court of Appeals published opinions constitute no part of the opinion of the division but have been prepared by the division for the convenience of the reader. The summaries may not be cited or relied upon as they are not the official language of the division. Any discrepancy between the language in the summary and in the opinion should be resolved in favor of the language in the opinion.

SUMMARY
March 7, 2019

2019COA35

No. 18CA0057, *Heotis v. Colorado State Board of Education* — Children's Code — Dependency and Neglect — Persons Required to Report Child Abuse or Neglect

In this review of a district court's order upholding the denial of a teacher's license renewal application, a division of the court of appeals considers whether a public school teacher must follow the reporting duties of section 19-3-304, C.R.S. 2018, irrespective of the circumstances in which he or she learns of or suspects child abuse and neglect.

The district court reviewed and upheld a final order of the Colorado State Board of Education denying the renewal application of a public school teacher who did not report to authorities that her then-husband had sexually abused their daughter for approximately eight years. Section 19-3-304(2)(*l*)

requires public school employees who have reasonable cause to know or suspect that a child has been abused or neglected to immediately report this fact to appropriate authorities. The division concludes that this reporting duty does not cease when a public school teacher leaves the classroom.

Accordingly, the division affirms the district court's judgment.

COLORADO COURT OF APPEALS **2019COA35**

Court of Appeals No. 18CA0057
City and County of Denver District Court No. 16CV32157
Honorable John W. Madden IV, Judge

Sharman M. Heotis,

Petitioner-Appellant,

v.

Colorado State Board of Education,

Respondent-Appellee.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE FURMAN
Dailey and Lipinsky, JJ., concur

Announced March 7, 2019

Kris A. Gomez, Brooke M. Copass, Denver, Colorado, for Petitioner-Appellant

Philip J. Weiser, Attorney General, Julie C. Tolleson, First Assistant Attorney General, Jenna M. Zerylnick, Assistant Attorney General, Sarah P. Roller, Assistant Attorney General, Denver, Colorado, for Respondent-Appellee

¶ 1 Section 19-3-304(2)(*l*), C.R.S. 2018, requires public school employees who have reasonable cause to know or suspect that a child has been subjected to abuse or neglect to report this fact to appropriate authorities immediately. This case requires us to determine whether a public school teacher must follow the reporting duties of section 19-3-304 despite the circumstances in which he or she learns of or suspects child abuse and neglect. We conclude that a public school teacher's reporting duties do not cease when he or she leaves the classroom.

¶ 2 In this case, the district court reviewed and upheld a final order of respondent, the Colorado State Board of Education (Board), denying the teacher's license renewal application of petitioner, Sharman M. Heotis. The Board denied Heotis's renewal application because while she was employed as a public school teacher, she did not report to authorities that her then-husband had sexually abused their daughter from the time their daughter was three years old until she was eleven. The Board determined that her failure to report the abuse amounted to "unethical behavior because it offended the morals of the community" according to Colorado's Teacher Licensing Act, section 22-60.5-107(4), C.R.S. 2018.

¶ 3 On appeal, Heotis makes two broad contentions in challenging the district court's decision. First, she contends that the Teacher Licensing Act is unconstitutional, both facially and as applied to her, because this Act does not provide for a range of sanctions for misconduct. Second, she contends that the evidence in the record does not support the Board's conclusion that she "engaged in unethical conduct because it offended the morals of the community" on the ground that she learned of the abuse in her role as a parent. She thus contends that the Board's denial of her license renewal application was "manifestly excessive" and a "gross abuse of discretion." Because we disagree with Heotis's contentions, we affirm the district court's judgment.

I. Heotis's License Renewal Process

¶ 4 Several months before the expiration of her teacher's license, Heotis submitted a renewal application to the Board. The Board voted to deny her application based on her "immoral conduct and unethical behavior regarding her failure to report the abuse of her daughter."

¶ 5 Heotis then filed a request for a hearing at the Office of Administrative Courts. Following a three-day hearing, the

administrative law judge (ALJ) issued an initial decision upholding the Board's denial of Heotis's teacher's license renewal application. The ALJ determined that Heotis's conduct offended the morals of the community, finding, in part, as follows:

- Heotis "testified that it was not important to her to know what had actually transpired between her husband and her daughter."
- Heotis "chose not to report the abuse."
- By not reporting the abuse of her daughter, Heotis placed her daughter "at risk of suffering further abuse at the hands of [the husband]," and "keeping the matter secret meant that [Heotis] took no steps to obtain any help" for her daughter.
- After learning about the abuse, Heotis permitted her husband "to teach music lessons to others, including children, in the home." "[T]hese lessons regularly occurred when [Heotis] was not at home."
- After her daughter's friend's mother reported the abuse, Heotis responded, "[W]hy are you trying to ruin my life?"

- Heotis pleaded guilty "to a misdemeanor count of child abuse" and received a deferred sentence.
- In retrospect, Heotis "wishes she had reported the abuse" and "acknowledged that she should not have been influenced by the request of an 11 year-old [sic] to keep the abuse a secret."
- Although an expert witness concluded that Heotis "suffered from [battered woman syndrome]," Heotis's failure to report her husband's abuse was not due to this syndrome but was "entirely due to [Heotis's] own assessment of the damage that reporting would cause to her family life."

¶ 6 The Board adopted the ALJ's initial decision in its final order denying Heotis's license renewal application, determining that Heotis engaged in "unethical behavior because it offended the morals of the community," and that the ALJ's findings and conclusions regarding why Heotis failed to report the abuse of her daughter were supported by substantial evidence. The Board reasoned that because Heotis failed to report the abuse, her daughter "remained in danger of continued abuse" by the husband

and that Heotis's failure to report "placed other children at risk" because the husband continued to teach children private music lessons in Heotis's home after she learned of the abuse.

¶ 7 Heotis then brought an action for judicial review of the Board's final order. In a detailed and reasoned decision, the district court upheld the Board's order.

¶ 8 To address Heotis's contentions, we first discuss the Board's authority to deny a teacher's license renewal application under the Teacher Licensing Act. We then consider the standard for judicial review of final agency actions. We last turn to Heotis's specific contentions on appeal.

II. The Board's Authority

¶ 9 The Board may deny an application for renewal of a teacher's license when the Board determines that an applicant is "professionally incompetent or guilty of unethical behavior." § 22-60.5-107(4). The Board's rules define "unethical behavior" as "immoral conduct that affects the health, safety, or welfare of children, [or] conduct that offends the morals of the community." Dep't of Educ. Rule 2260.5-R-15.02(10), 1 Code Colo. Regs. 301-37 (effective until Aug. 14, 2018) (rules renumbered effective August

14, 2018, but their content remains the same). To warrant denial of a license, the Board must find the teacher's behavior to be "substantial or continued." Dep't of Educ. Rule 2260.5-R-15.01, 1 Code Colo. Regs. 301-37 (effective until Aug. 14, 2018).

III. Judicial Review of the Board's Action

¶ 10 A court must hold unlawful and set aside an agency action for the following reasons:

> [I]f . . . the agency action is:
>
> (I) Arbitrary or capricious;
>
> (II) A denial of statutory right;
>
> (III) Contrary to constitutional right . . . ;
>
> . . . .
>
> (VI) An abuse or clearly unwarranted exercise of discretion;
>
> (VII) Based upon findings of fact that are clearly erroneous on the whole record; [or]
>
> (VIII) Unsupported by substantial evidence when the record is considered as a whole[.]

§ 24-4-106(7)(b), C.R.S. 2018. "Substantial evidence is probative evidence that would warrant a reasonable belief in the existence of facts supporting a particular finding, without regard to the

existence of contradictory testimony." *Ward v. Dep't of Nat. Res.*, 216 P.3d 84, 94 (Colo. App. 2008).

¶ 11 It is solely the province of the ALJ, as the trier of fact, to weigh the evidence, resolve conflicts in the evidence, and make credibility determinations about witnesses. *Charnes v. Lobato*, 743 P.2d 27, 32 (Colo. 1987). Thus, we will not reweigh the evidence or substitute our judgment for that of the ALJ. *See Colo. Real Estate Comm'n v. Bartlett*, 272 P.3d 1099, 1103 (Colo. App. 2011). Indeed, neither the Board nor we, as a reviewing court, may set aside the ALJ's findings of evidentiary fact "unless such findings of evidentiary fact are contrary to the weight of the evidence." § 24-4-105(15)(b), C.R.S. 2018.

¶ 12 We will presume that the Board's proceedings are valid and resolve all reasonable doubts as to the correctness of administrative rulings in favor of the Board. *Colonial Bank v. Colo. Fin. Servs. Bd.*, 961 P.2d 579, 588 (Colo. App. 1998). Accordingly, a person who seeks to overturn the Board's ruling bears the heavy burden to "overcome the presumption that the [Board's] acts were proper." *Wildwood Child & Adult Care Program, Inc. v. Colo. Dep't of Pub. Health & Env't*, 985 P.2d 654, 655 (Colo. App. 1999).

¶ 13 We now turn to Heotis's specific contentions on appeal.

IV. Due Process

¶ 14 We conclude that the Teacher Licensing Act is not unconstitutional either facially or as applied to Heotis.

A. Standard of Review

¶ 15 A statute is unconstitutional if it deprives a person of a property interest without due process. *See* U.S. Const. amend. XIV, § 1; Colo. Const. art. II, § 25. "The essence of procedural due process is fundamental fairness," which embraces protections such as "adequate advance notice and an opportunity to be heard prior to state action resulting in deprivation of a significant property interest." *Colo. State Bd. of Nursing v. Lang*, 842 P.2d 1383, 1386 (Colo. App. 1992).

¶ 16 We review the constitutionality of a statute de novo. *See Coffman v. Williamson*, 2015 CO 35, ¶ 13. In so doing, we presume a statute to be constitutional, and we will so construe a statute whenever a reasonable and practical construction allows. *Morris-Schindler, LLC v. City & Cty. of Denver*, 251 P.3d 1076, 1084 (Colo. App. 2010).

¶ 17 In both facial and as-applied challenges, the challenging party must prove that a statute is unconstitutional beyond a reasonable doubt. *See, e.g.*, *Barber v. Ritter*, 196 P.3d 238, 247 (Colo. 2008) (facial challenge); *Dami Hosp., LLC v. Indus. Claim Appeals Office*, 2017 COA 21, ¶ 42 (as-applied challenge) (*cert. granted in part sub nom. Colo. Dep't of Labor & Emp't v. Dami Hosp.* Sept. 11, 2017).

¶ 18 As an initial matter, the parties dispute whether Colorado law affords a person with an educator's license a property interest in the renewal of that license. We need not address this dispute because assuming — without deciding — there is such a property interest, the Teacher Licensing Act is neither facially unconstitutional nor unconstitutional as applied to Heotis.

B. Facial Challenge

¶ 19 Heotis contends that the Teacher Licensing Act violates due process on its face because the disciplinary options provided to the Board by this Act are too limited. We disagree.

¶ 20 The Teacher Licensing Act and its associated rules provide clear principles to ensure consistent results. It explicitly authorizes denial of a teacher's license application "if the [Board] finds and determines that the applicant . . . is . . . guilty of unethical

behavior.” § 22-60.5-107(4). As the General Assembly directed, the Board defined “unethical behavior” by rule. § 22-60.5-107(5); Dep’t of Educ. Rule 2260.5-R-15.02(10), 1 Code Colo. Regs. 301-37 (effective until Aug. 14, 2018). To further protect applicants, the rule authorizes denial only when the teacher’s behavior is found to be “substantial or continued.” Dep’t of Educ. Rule 2260.5-R-15.01, 1 Code Colo. Regs. 301-37 (effective until Aug. 14, 2018).

¶ 21 Yet, Heotis contends that the greater disciplinary flexibility provided to various other licensing boards shows that the Teacher Licensing Act “fails due process standards on its face.” *See, e.g.*, § 12-35-129.1, C.R.S. 2018 (permitting the Dental Board to impose a range of sanctions including denial of license renewal, placement on probation, issuance of letter of admonition, or administrative fine); § 12-41-116(1)(a), C.R.S. 2018 (providing, for physical therapists, that the board may issue letters of admonition; deny, refuse to renew, suspend, or revoke any license; place a licensee on probation; or impose public censure or fine). We disagree. Heotis cites no authority, and we are not aware of any such authority, that supports the notion that the greater disciplinary flexibility in these other licensing statutes represents some constitutional minimum.

See People v. Dash, 104 P.3d 286, 292 (Colo. App. 2004) (Procedural due process is "a flexible standard, which recognizes that not all situations calling for procedural safeguards require the same procedure.").

¶ 22 Heotis's reliance on *Kibler v. State*, 718 P.2d 531, 534 (Colo. 1986), for the proposition that due process requires a professional licensing statute to include a range of sanctions to "sufficiently . . . address the problem under varied circumstances and during changing times" is misplaced. The language quoted by Heotis appears in the supreme court's discussion of a vagueness challenge to the Nurse Practice Act. *Id.* at 533-35. In this context, the supreme court stated that "the statutory language must strike a balance between two concerns: it must be sufficiently specific to give fair warning of the prohibited conduct, but must also be sufficiently general to address the problem under varied circumstances and during changing times." *Id.* at 534. Nowhere in *Kibler* did the supreme court state that a professional licensing statute must include a range of sanctions to satisfy due process.

¶ 23 We thus conclude that Heotis has not met her burden of establishing the unconstitutionality of the Teacher Licensing Act beyond a reasonable doubt. *Barber*, 196 P.3d at 247.

C. As-Applied Challenge

¶ 24 Heotis also contends that the Teacher Licensing Act is "deficient as applied . . . under the circumstances of this case." She reasons that "[b]ecause the statutory scheme lacks alternative measures, short of a deprivation of her professional license, the Board was unable to assign an appropriately tailored response based on the circumstances" of her case. Heotis's arguments in her as-applied challenge are essentially the same as those she made in her facial challenge, which we addressed in the preceding section.

¶ 25 This is not to say that Heotis had no due process rights. The extensive litigation history demonstrates that she has been afforded opportunities to challenge the Board's decision. *See Lang*, 842 P.2d at 1386.

¶ 26 We thus conclude, for the reasons we outlined in the preceding section, that Heotis has not met her burden to establish an as-applied violation of her right to due process. *See Dash*, 104 P.3d at 292; *Lang*, 842 P.2d at 1386.

V. Mandatory Reporter Duties

¶ 27 We next conclude that substantial evidence in the record supports the Board's conclusion that Heotis "engaged in unethical conduct because it offended the morals of the community."

¶ 28 Heotis contends that she did not engage in behavior that offended the morals of the community on the ground that she did not have to report the abuse of her daughter under section 19-3-304. She points out that section 19-3-304 "does not list parents as individuals who have a statutory duty to report child abuse." We conclude that section 19-3-304 required her to report the abuse of her daughter.

A. Standards for Statutory Interpretation

¶ 29 In interpreting section 19-3-304, we must give effect to the legislature's intent. *A.M. v. A.C.*, 2013 CO 16, ¶ 8. To do so, we look first to the plain language of the statute, and, where that language is clear and unambiguous, we interpret the statute as written. *Id.* We "must read and consider the statutory scheme as a whole to give consistent, harmonious and sensible effect to all its parts." *People v. Stellabotte*, 2018 CO 66, ¶ 32 (quoting *Martin v. People*, 27 P.3d 846, 851 (Colo. 2001)).

B. The Context of Section 19-3-304

¶ 30 “It belongs to the legislative department to . . . determine primarily what measures are appropriate and needful for the protection of the public morals, the public health, or the public safety.” *Bland v. People*, 32 Colo. 319, 325, 76 P. 359, 360-61 (1904). In enacting article 3 of the Children’s Code, titled “Dependency and Neglect,” the General Assembly declared that “the safety and protection of children are matters of statewide concern.” § 19-3-100.5(1), C.R.S. 2018. To ensure children’s safety and protection, article 3 “provides specific provisions whereby the state can intercede to protect the health, safety, and welfare of minors from abuse, neglect, or abandonment.” *L.L. v. People*, 10 P.3d 1271, 1275 (Colo. 2000).

¶ 31 But the state cannot intercede to protect children if it does not know that they are abused, neglected, or abandoned. Recognizing this, the General Assembly enacted the Child Protection Act of 1987 (Child Protection Act), declaring that

> the complete reporting of child abuse is a matter of public concern and that, in enacting this part 3 [titled Child Abuse or Neglect], it is the intent of the general assembly to protect the best interests of children of this state and

> to offer protective services in order to prevent any further harm to a child suffering from abuse.

§ 19-3-302, C.R.S. 2018.

¶ 32 Because the reporting of child abuse or neglect is often the first step to protecting children from abuse and neglect, *see L.L.*, 10 P.3d at 1275, the Child Protection Act imposes a legal duty on specific persons to report known or suspected abuse or neglect. § 19-3-304. These persons are often known as "mandatory reporters." *Berges v. Cty. Court*, 2016 COA 146, ¶ 1.

C. Interpretation of Section 19-3-304

¶ 33 Section 19-3-304 is clear and unambiguous. It requires "any person specified in subsection (2)" "who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect" to immediately "report or cause a report to be made of such fact to the county department, the local law enforcement agency, or through the child abuse reporting hotline." § 19-3-304(1)(a). Persons specified in subsection (2) "include any . . . public . . . school . . . employee." § 19-3-304(2)(*l*).

¶ 34 Heotis's employment as a public school teacher placed her squarely within section 19-3-304(2)(*l*). Thus, under the plain terms

of this statute, she was a mandatory reporter of known or suspected child abuse or neglect.

¶ 35 Heotis attempts to excuse her failure to report by pointing out that she learned about the abuse of her daughter at home and not at school. This is not a valid excuse. Section 19-3-304(2)(*l*) imposes a duty to report any known or suspected abuse or neglect on "any person" who is a public school employee; the statute does not specify any circumstances under which the person must learn of the suspected abuse or neglect to be subject to this reporting duty. In other words, the reporting duty imposed on mandatory reporters by section 19-3-304(2) applies irrespective of the circumstances in which the reporter learns of or suspects abuse or neglect.

¶ 36 It is true that, in designating certain persons as mandatory reporters, the statute identifies various professionals that often interact with children as a component of their employment, such as public school employees. But the plain language of section 19-3-304 does not limit the reporting duty only to child abuse or neglect that the teacher learned about or suspected during the employment. That is, subsection (2) of section 19-3-304 does not

include limiting language, such as “during his or her professional duties” or “in their official capacities.” Instead, the General Assembly only limited the scope of the reporting duty for one profession listed in a separate subsection. *See* § 19-3-304(2.5) (“Any commercial film and photographic print processor who has knowledge of or observes, *within the scope of his or her professional capacity or employment*, any film, photograph, video tape, negative, or slide depicting a child engaged in an act of sexual conduct shall report such fact [to law enforcement].”) (emphasis added).

¶ 37 Because the General Assembly limited the scope of the reporting duty for commercial film and photographic print processors, but not for public school employees, we assume that it did so purposefully. *See Well Augmentation Subdistrict of Cent. Colo. Water Conservancy Dist. v. City of Aurora*, 221 P.3d 399, 419 (Colo. 2009) (“When the General Assembly includes a provision in one section of a statute, but excludes the same provision from another section, [the court] presume[s] that the General Assembly did so purposefully.”); *Romer v. Bd. of Cty. Comm’rs*, 956 P.2d 566, 576 (Colo. 1998) (absence of certain language “is not an error of omission, but a statement of legislative intent”).

¶ 38 We also note that section 19-3-304(1)(b) includes two exceptions to the reporting duty:

> The reporting requirement described in paragraph (a) of this subsection (1) shall not apply if the person who is otherwise required to report does not:
>
> (I) Learn of the suspected abuse or neglect until after the alleged victim of the suspected abuse or neglect is eighteen years of age or older; and
>
> (II) Have reasonable cause to know or suspect that the perpetrator of the suspected abuse or neglect:
>
> (A) Has subjected any other child currently under eighteen years of age to abuse or neglect or to circumstances or conditions that would likely result in abuse or neglect; or
>
> (B) Is currently in a position of trust, as defined in section 18-3-401(3.5), C.R.S, with regard to any child currently under eighteen years of age.

We presume that express exceptions in a statute exclude all other exceptions. *See Riley v. People*, 104 P.3d 218, 221 (Colo. 2004) ("The presence of one exception is generally construed as excluding other exceptions."). The statute thus does not except from the reporting duty mandatory reporters who learn about child abuse or neglect at home.

¶ 39 Heotis next attempts to excuse her failure to report based on evidence in the record showing she suffered from battered woman syndrome. This does not excuse her either. Section 19-3-304 does not include an exception for persons suffering from battered woman syndrome. And the ALJ did not credit battered woman syndrome as the cause of Heotis's failure to report. Instead, the ALJ found that Heotis did not report the abuse because "of the damage that reporting would cause to her family life." This finding has substantial record support. A friend of Heotis testified that he thought Heotis did not report the abuse because "she was trying to keep her family together." And after her daughter's friend's mother reported the abuse, Heotis confronted her and said, "You ruined my life." We also note that multiple witnesses who testified — including Heotis — agreed that Heotis should have reported the abuse of her daughter.

¶ 40 Heotis also points us to several out-of-state cases that have recognized limitations to the reporting duty of mandatory reporters. These cases do not help her. In *May v. State*, 761 S.E.2d 38, 43 (Ga. 2014), the Georgia Supreme Court held that a high school teacher had no obligation to report a paraprofessional's sexual

abuse of a former high school student. The court based its decision on the plain text of Georgia's reporting statute, which only imposed a duty for professionals to report the abuse of a child "*because that person attends to a child pursuant to such person's duties as an employee of or volunteer at a hospital, school, social agency, or similar facility.*" *Id.* at 41 (quoting Ga. Code Ann. § 19-7-5(c)(2) (2014)) (emphasis added). Similar language does not appear in Colorado's reporting statute concerning public school employees.

¶ 41 In *State v. James-Buhl*, 415 P.3d 234 (Wash. 2018), the Washington Supreme Court addressed the criminal prosecution of a teacher who did not report the sexual abuse of her daughters by a stepfather. *Id.* at 236. Guided by the reporting statute's legislative declaration, which states that the reporting statute "shall not be construed to authorize interference with child-raising practices," *id.* at 237 (quoting Wash. Rev. Code § 26.44.010 (2018)), the court held that Washington's reporting statute imposes a reporting duty on school teachers only when there is "some connection between the individual's professional identity and the criminal offense." *Id.* at 238. Similar language does not appear in the legislative declaration to Colorado's Child Protection Act. Instead, the language of section

19-3-302 suggests our legislature intended a broad application of the mandatory reporter's duty to report. *See* § 19-3-302 ("[T]he complete reporting of child abuse is a matter of public concern . . . .").

¶ 42 In *Delaware Board of Nursing v. Gillespie*, 41 A.3d 423, 427-28 (Del. 2012), the Delaware Supreme Court reversed a decision of the Delaware Board of Nursing to suspend the license of a nurse who failed to report the sexual abuse of her grandchildren. The court determined that the phrase "any other person" in Delaware's reporting statute following the list of "specifically enumerated professionals" meant that the statute was ambiguous as to whether mandatory reporters "were required to report incidents of abuse about which they acquire knowledge outside the scope of their employment." *Id.* at 426-27 (citation omitted). We have concluded that Colorado's reporting statute is clear and unambiguous.

¶ 43 Heotis next asks us to consider the legislative history of the Teacher Licensing Act. We need not do so because the reporting statute is clear and unambiguous. *See People v. Oliver*, 2016 COA 180M, ¶ 17 (When the statutory language "is clear and

unambiguous, we engage in no further statutory analysis." (quoting *People v. Rice*, 2015 COA 168, ¶ 11)).

¶ 44 Simply put, section 19-3-304 mandates that public school teachers report any known or suspected child abuse or neglect. The statute does not limit this reporting duty to child abuse and neglect that public school teachers learn of or suspect while working in their professional capacity. For these reasons, the statute reflects a moral standard in the community for teachers. *See* Dep't of Educ. Rule 2260.5-R-15.02(10), 1 Code Colo. Regs. 301-37 (effective until Aug. 14, 2018) (defining "unethical behavior" as "immoral conduct that affects the health, safety or welfare of children, [or] conduct that offends the morals of the community").

¶ 45 Accordingly, Heotis had a statutory and moral duty to report the abuse of her daughter even though she learned of the abuse in her personal family life and not while working in her professional capacity.

D. Record Evidence

¶ 46 We last conclude that the Board's denial of Heotis's teacher's license renewal application was within the Board's discretion and not "manifestly excessive."

¶ 47 Although the Board did not make an express finding that Heotis's unethical conduct was "substantial or continued," the Board determined that the ALJ's findings, which detailed the egregious nature of Heotis's conduct, were supported by substantial evidence. The ALJ found, with record support, that by not reporting her daughter's abuse, Heotis placed her daughter "at risk of suffering further abuse at the hands of [the husband]." He also found that "keeping the matter secret meant that [Heotis] took no steps to obtain any help" for her daughter. It is also undisputed that Heotis knew of the abuse for about three years before it was eventually reported.

¶ 48 Finding no reason to disturb the ALJ's determinations, the Board thus concluded that Heotis engaged in "unethical behavior because it offended the morals of the community." The Board likewise reasoned that because Heotis failed to report the abuse, her daughter "remained in danger of continued abuse" by the husband. The Board also found that Heotis's failure to report "placed other children at risk" because the husband continued to teach private music lessons in Heotis's home after she learned of the abuse.

¶ 49 But, citing *Weissman v. Board of Education*, 190 Colo. 414, 547 P.2d 1267 (1976), Heotis contends there is no evidence in the record to support a conclusion that the required "nexus" between her failure to report the abuse of her child and her fitness to teach exists. We need not consider whether substantial evidence in the record supports such a conclusion because neither the Teacher Licensing Act nor the Board's rules accompanying this Act require such a "nexus." And *Weissman* addressed a statute governing teacher tenure. *See id.* at 420, 547 P.2d at 1272. It did not discuss the Teacher Licensing Act. *See id.*

¶ 50 Accordingly, under the reporting statute, Heotis had a duty to report known or suspected child abuse. This duty reflected a moral standard in the community. And substantial evidence in the record supported the Board's conclusion that she "engaged in unethical conduct because it offended the morals of the community."

VI. Conclusion

¶ 51 The district court's judgment is affirmed.

JUDGE DAILEY and JUDGE LIPINSKY concur.