

Conference Engrossed

~~baccalaureate degrees; substitute certificates~~
~~race; ethnicity; sex; classroom instruction~~
(now: race; ethnicity; prohibited instruction)

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1412

AN ACT

REPEALING SECTIONS 15-711.01 AND 15-717.02, ARIZONA REVISED STATUTES;
AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING NEW SECTIONS 15-711.01 AND 15-717.02; RELATING TO INSTRUCTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Sections 15-711.01 and 15-717.02, Arizona Revised Statutes, are
4 repealed.

5 Sec. 2. Title 15, chapter 7, article 1, Arizona Revised Statutes,
6 is amended by adding new sections 15-711.01 and 15-717.02, to read:

7 15-711.01. Instruction; child assault awareness; abuse
8 prevention

9 NOTWITHSTANDING ANY OTHER LAW, AGE-APPROPRIATE AND GRADE-APPROPRIATE
10 CLASSROOM INSTRUCTION REGARDING CHILD ASSAULT AWARENESS AND ABUSE
11 PREVENTION IS ALLOWED.

12 15-717.02. Prohibited instruction; legal action; civil
13 penalty; disciplinary action; definitions

14 A. AN EMPLOYEE OF, OR AN INDIVIDUAL OR ORGANIZATION THAT IS INVITED
15 TO, A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE AGENCY THAT IS INVOLVED WITH
16 STUDENTS OR TEACHERS OF PRESCHOOL OR KINDERGARTEN PROGRAMS OR ANY OF
17 GRADES ONE THROUGH TWELVE MAY NOT PROVIDE INSTRUCTION TO STUDENTS OR
18 EMPLOYEES THAT PROMOTES OR ADVOCATES FOR ANY OF THE FOLLOWING CONCEPTS:

19 1. JUDGING AN INDIVIDUAL ON THE BASIS OF THE INDIVIDUAL'S RACE OR
20 ETHNICITY.

21 2. THAT ONE RACE OR ETHNIC GROUP IS INHERENTLY MORALLY OR
22 INTELLECTUALLY SUPERIOR TO ANOTHER RACE OR ETHNIC GROUP.

23 3. THAT AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE OR
24 ETHNICITY, IS INHERENTLY RACIST OR OPPRESSIVE, WHETHER CONSCIOUSLY OR
25 UNCONSCIOUSLY.

26 4. THAT AN INDIVIDUAL SHOULD BE INVIDIOUSLY DISCRIMINATED AGAINST
27 OR RECEIVE ADVERSE TREATMENT SOLELY OR PARTLY BECAUSE OF THE INDIVIDUAL'S
28 RACE OR ETHNICITY.

29 5. THAT AN INDIVIDUAL'S MORAL CHARACTER IS DETERMINED BY THE
30 INDIVIDUAL'S RACE OR ETHNICITY.

31 6. THAT AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE OR
32 ETHNICITY, BEARS RESPONSIBILITY OR BLAME FOR ACTIONS COMMITTED BY OTHER
33 MEMBERS OF THE SAME RACE OR ETHNIC GROUP.

34 7. THAT ACADEMIC ACHIEVEMENT, MERITOCRACY OR TRAITS SUCH AS A HARD
35 WORK ETHIC ARE RACIST OR WERE CREATED BY MEMBERS OF A PARTICULAR RACE OR
36 ETHNIC GROUP TO OPPRESS MEMBERS OF ANOTHER RACE OR ETHNIC GROUP.

37 B. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT OF A PUBLIC SCHOOL,
38 SCHOOL DISTRICT OR STATE AGENCY MAY FILE A COMPLAINT WITH AN APPROPRIATE
39 ADMINISTRATOR DESIGNATED BY THE PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE
40 AGENCY REGARDING AN ALLEGED VIOLATION OF THIS SECTION IF THE STUDENT,
41 EMPLOYEE OR PARENT'S CHILD WHO IS A STUDENT ALLEGEDLY RECEIVES INSTRUCTION
42 IN VIOLATION OF SUBSECTION A OF THIS SECTION. A STUDENT, EMPLOYEE OR
43 PARENT OF A STUDENT OF A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE AGENCY
44 MAY NOT FILE MORE THAN ONE COMPLAINT OF AN ALLEGED VIOLATION UNDER THIS
45 SUBSECTION IN ANY THIRTY-DAY PERIOD. A COMPLAINT MAY IDENTIFY MULTIPLE

1 VIOLATIONS OF THIS SECTION. THE DESIGNATED ADMINISTRATOR SHALL DETERMINE
2 WHETHER THE VIOLATION OCCURRED AND, IF A VIOLATION OCCURRED, ACT TO
3 RESOLVE THE COMPLAINT. FOR THE PURPOSES OF THIS SUBSECTION, THE
4 DESIGNATED ADMINISTRATOR OF:

5 1. A SCHOOL DISTRICT OR A SCHOOL OPERATED BY A SCHOOL DISTRICT IS
6 THE SCHOOL DISTRICT SUPERINTENDENT.

7 2. A CHARTER SCHOOL IS THE CHARTER SCHOOL OPERATOR.

8 C. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT MAY APPEAL A
9 DETERMINATION MADE OR ACTION TAKEN UNDER SUBSECTION B OF THIS SECTION BY A
10 SCHOOL DISTRICT SUPERINTENDENT OR CHARTER SCHOOL OPERATOR BY FILING A
11 COMPLAINT WITH THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL
12 GOVERNING BODY. THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL
13 GOVERNING BODY SHALL SCHEDULE A HEARING TO DETERMINE WHETHER THE VIOLATION
14 OCCURRED AND, IF A VIOLATION OCCURRED, ACT TO RESOLVE THE COMPLAINT WITHIN
15 THIRTY DAYS AFTER RECEIVING THE COMPLAINT. ANY DECISION MADE UNDER THIS
16 SUBSECTION MUST INCLUDE AN EXPLANATION OF THE DECISION.

17 D. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT OF A PUBLIC SCHOOL,
18 SCHOOL DISTRICT OR STATE AGENCY MAY FILE A COMPLAINT WITH THE STATE BOARD
19 OF EDUCATION OR THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR AN ALLEGED
20 VIOLATION OF THIS SECTION AFTER THE PUBLIC SCHOOL, SCHOOL DISTRICT OR
21 STATE AGENCY THAT IS THE SUBJECT OF THE COMPLAINT HAS HAD THE OPPORTUNITY
22 TO RESOLVE THE COMPLAINT AS PRESCRIBED IN SUBSECTIONS B AND C OF THIS
23 SECTION.

24 E. IF THE STATE BOARD OF EDUCATION OR THE SUPERINTENDENT OF PUBLIC
25 INSTRUCTION DETERMINES THAT A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE
26 AGENCY IS IN VIOLATION OF SUBSECTION A OF THIS SECTION, THE STATE BOARD OR
27 THE SUPERINTENDENT SHALL NOTIFY THE PUBLIC SCHOOL, SCHOOL DISTRICT OR
28 STATE AGENCY THAT IT IS IN VIOLATION OF SUBSECTION A OF THIS SECTION AND
29 MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN \$5,000 FOR EACH VIOLATION. IF
30 THE STATE BOARD OR THE SUPERINTENDENT DETERMINES THAT THE PUBLIC SCHOOL,
31 SCHOOL DISTRICT OR STATE AGENCY HAS FAILED TO CORRECT THE VIOLATION WITHIN
32 THIRTY DAYS AFTER NOTICE IS ISSUED PURSUANT TO THIS SUBSECTION, THE STATE
33 BOARD OR THE SUPERINTENDENT SHALL IMPOSE A CIVIL PENALTY OF NOT MORE THAN
34 \$5,000 FOR EACH DAY THE VIOLATION CONTINUES AFTER THE THIRTY-DAY PERIOD.
35 ACTIONS TAKEN UNDER THIS SUBSECTION ARE SUBJECT TO APPEAL PURSUANT TO
36 TITLE 41, CHAPTER 6, ARTICLE 10.

37 F. A CERTIFICATED OR NONCERTIFICATED PERSON, AS DEFINED IN SECTION
38 15-505, WHO VIOLATES SUBSECTION A OF THIS SECTION MAY BE SUBJECT TO
39 DISCIPLINARY ACTION PURSUANT TO SECTION 15-203, SUBSECTION A, PARAGRAPH
40 20, INCLUDING THE SUSPENSION OR REVOCATION OF THE PERSON'S CERTIFICATE OR
41 DISCIPLINARY ACTION DESCRIBED IN SECTION 15-505, AS THE STATE BOARD OF
42 EDUCATION DEEMS APPROPRIATE.

43 G. THIS SECTION DOES NOT PREVENT AN EMPLOYEE OF A PUBLIC SCHOOL,
44 SCHOOL DISTRICT OR STATE AGENCY OR AN INDIVIDUAL OR ORGANIZATION THAT IS
45 INVITED TO A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE AGENCY TO PROVIDE

1 INSTRUCTION TO STUDENTS OR EMPLOYEES FROM IDENTIFYING AND DISCUSSING
2 HISTORICAL MOVEMENTS, IDEOLOGIES OR INSTANCES OF RACIAL HATRED OR
3 DISCRIMINATION, INCLUDING, BUT NOT LIMITED TO, SLAVERY, INDIAN REMOVAL,
4 THE HOLOCAUST OR JAPANESE-AMERICAN INTERNMENT.

5 H. FOR THE PURPOSES OF THIS SECTION:

6 1. "EMPLOYEE" MEANS AN EMPLOYEE OF A PUBLIC SCHOOL, SCHOOL DISTRICT
7 OR STATE AGENCY WHO IS ACTING IN THE COURSE OF THE EMPLOYEE'S OFFICIAL
8 DUTIES.

9 2. "INSTRUCTION" INCLUDES ANY OF THE FOLLOWING:

10 (a) EDUCATIONAL ACTIVITIES.

11 (b) TRAINING.

12 (c) INSTRUCTION THAT IS PART OF A TEACHER PREPARATION PROGRAM,
13 CONTINUING EDUCATION OR PROFESSIONAL DEVELOPMENT.

14 3. "STATE AGENCY" MEANS A STATE AGENCY THAT IS INVOLVED WITH
15 STUDENTS OR TEACHERS OF PRESCHOOL OR KINDERGARTEN PROGRAMS OR ANY OF
16 GRADES ONE THROUGH TWELVE.