

REFERENCE TITLE: education; prohibited courses and activities

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HB 2120

Introduced by
Representatives Thorpe: Finchem

AN ACT

AMENDING SECTION 15-112, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 14, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1892; RELATING TO CURRICULA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-112, Arizona Revised Statutes, is amended to
3 read:

4 15-112. Prohibited courses, classes, events and activities:
5 enforcement; exceptions

6 A. A school district or charter school in this state shall not
7 include in its program of instruction any courses, ~~or~~ classes, EVENTS OR
8 ACTIVITIES that ~~include~~ DO any of the following:

9 1. Promote the overthrow of the United States government.

10 2. Promote DIVISION, resentment OR SOCIAL JUSTICE toward a race,
11 GENDER, RELIGION, POLITICAL AFFILIATION, SOCIAL CLASS or OTHER class of
12 people.

13 3. Are designed primarily for pupils of a particular ethnic group.

14 4. Advocate ~~ethnic~~ solidarity OR ISOLATION BASED ON ETHNICITY,
15 RACE, RELIGION, GENDER OR SOCIAL CLASS instead of the treatment of pupils
16 as individuals.

17 5. VIOLATE STATE OR FEDERAL CIVIL RIGHTS LAWS.

18 6. NEGATIVELY TARGET SPECIFIC NATIONALITIES OR COUNTRIES.

19 B. If the state board of education or the superintendent of public
20 instruction determines that a school district or charter school is in
21 violation of subsection A OF THIS SECTION, the state board of education or
22 the superintendent of public instruction shall notify the school district
23 or charter school that it is in violation of subsection A OF THIS SECTION.
24 If the state board of education or the superintendent of public
25 instruction determines that the school district or charter school has
26 failed to comply with subsection A OF THIS SECTION within sixty days after
27 a notice has been issued pursuant to this subsection, the state board of
28 education or the superintendent of public instruction may direct the
29 department of education to withhold up to ten ~~per cent~~ PERCENT of the
30 monthly apportionment of state aid that would otherwise be due the school
31 district or charter school. The department of education shall adjust the
32 school district or charter school's apportionment accordingly. When the
33 state board of education or the superintendent of public instruction
34 determines that the school district or charter school is in compliance
35 with subsection A OF THIS SECTION, the department of education shall
36 restore the full amount of state aid payments to the school district or
37 charter school.

38 C. The department of education shall pay for all expenses of a
39 hearing conducted pursuant to this section.

40 D. Actions taken under this section are subject to appeal pursuant
41 to title 41, chapter 6, article 10.

42 E. This section ~~shall~~ DOES not ~~be construed to~~ restrict or
43 prohibit:

44 1. Courses, ~~or~~ classes, EVENTS OR ACTIVITIES for Native American
45 pupils that are required to comply with federal law.

1 2. The grouping of pupils according to academic performance,
2 including capability in the English language, that may result in a
3 disparate impact by ethnicity.

4 3. Courses, ~~or~~ classes, EVENTS OR ACTIVITIES that include the
5 ACCURATE history of any ethnic group and that are open to all students,
6 unless the course, ~~or~~ class, EVENT OR ACTIVITY violates subsection A OF
7 THIS SECTION.

8 4. Courses, ~~or~~ classes, EVENTS OR ACTIVITIES that include the
9 discussion of controversial aspects of history ACUTELY.

10 F. ~~Nothing in~~ This section ~~shall be construed to~~ DOES NOT restrict
11 or prohibit the instruction of the holocaust, any other instance of
12 genocide, or the historical oppression of a particular group of people
13 based on ethnicity, race, ~~or~~ class.

14 Sec. 2. Title 15, chapter 14, article 9, Arizona Revised Statutes,
15 is amended by adding section 15-1892, to read:

16 15-1892. Prohibited courses, classes, events and activities;
17 enforcement; exceptions

18 A. A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
19 REGENTS OR A COMMUNITY COLLEGE UNDER THE JURISDICTION OF A COMMUNITY
20 COLLEGE DISTRICT SHALL NOT INCLUDE IN ITS PROGRAM OF INSTRUCTION ANY
21 COURSES, CLASSES, EVENTS OR ACTIVITIES THAT DO ANY OF THE FOLLOWING:

22 1. PROMOTE THE OVERTHROW OF THE UNITED STATES GOVERNMENT.

23 2. PROMOTE DIVISION, RESENTMENT OR SOCIAL JUSTICE TOWARD A RACE,
24 GENDER, RELIGION, POLITICAL AFFILIATION, SOCIAL CLASS OR OTHER CLASS OF
25 PEOPLE.

26 3. ARE DESIGNED PRIMARILY FOR STUDENTS OF A PARTICULAR ETHNIC
27 GROUP.

28 4. ADVOCATE SOLIDARITY OR ISOLATION BASED ON ETHNICITY, RACE,
29 RELIGION, GENDER OR SOCIAL CLASS INSTEAD OF THE TREATMENT OF STUDENTS AS
30 INDIVIDUALS.

31 5. VIOLATE STATE OR FEDERAL CIVIL RIGHTS LAWS.

32 6. NEGATIVELY TARGET SPECIFIC NATIONALITIES OR COUNTRIES.

33 B. IF THE ATTORNEY GENERAL DETERMINES THAT A UNIVERSITY OR
34 COMMUNITY COLLEGE IS IN VIOLATION OF SUBSECTION A OF THIS SECTION, THE
35 ATTORNEY GENERAL SHALL NOTIFY THE UNIVERSITY OR COMMUNITY COLLEGE THAT IT
36 IS IN VIOLATION OF SUBSECTION A OF THIS SECTION. IF THE ATTORNEY GENERAL
37 DETERMINES THAT THE UNIVERSITY OR COMMUNITY COLLEGE HAS FAILED TO COMPLY
38 WITH SUBSECTION A OF THIS SECTION WITHIN SIXTY DAYS AFTER A NOTICE HAS
39 BEEN ISSUED PURSUANT TO THIS SUBSECTION, THE ATTORNEY GENERAL MAY DIRECT
40 THE STATE TREASURER TO WITHHOLD UP TO TEN PERCENT OF THE STATE MONIES THAT
41 WOULD OTHERWISE BE DUE THE UNIVERSITY OR COMMUNITY COLLEGE DISTRICT. WHEN
42 THE ATTORNEY GENERAL DETERMINES THAT THE UNIVERSITY OR COMMUNITY COLLEGE
43 IS IN COMPLIANCE WITH SUBSECTION A OF THIS SECTION, THE STATE TREASURER
44 SHALL RESTORE THE FULL AMOUNT OF STATE FUNDING TO THE UNIVERSITY OR
45 COMMUNITY COLLEGE DISTRICT.

1 C. THIS SECTION DOES NOT RESTRICT OR PROHIBIT:

2 1. COURSES, CLASSES, EVENTS OR ACTIVITIES FOR NATIVE AMERICAN
3 STUDENTS THAT ARE REQUIRED TO COMPLY WITH FEDERAL LAW.

4 2. THE GROUPING OF STUDENTS ACCORDING TO ACADEMIC PERFORMANCE,
5 INCLUDING CAPABILITY IN THE ENGLISH LANGUAGE, THAT MAY RESULT IN A
6 DISPARATE IMPACT BY ETHNICITY.

7 3. COURSES, CLASSES, EVENTS OR ACTIVITIES THAT INCLUDE THE ACCURATE
8 HISTORY OF ANY ETHNIC GROUP AND THAT ARE OPEN TO ALL STUDENTS, UNLESS THE
9 COURSE, CLASS, EVENT OR ACTIVITY VIOLATES SUBSECTION A OF THIS SECTION.

10 4. COURSES, CLASSES, EVENTS OR ACTIVITIES THAT INCLUDE THE
11 DISCUSSION OF CONTROVERSIAL ASPECTS OF HISTORY ACUTELY.

12 D. THIS SECTION DOES NOT RESTRICT OR PROHIBIT THE INSTRUCTION OF
13 THE HOLOCAUST, ANY OTHER INSTANCE OF GENOCIDE, OR THE HISTORICAL
14 OPPRESSION OF A PARTICULAR GROUP OF PEOPLE BASED ON ETHNICITY, RACE OR
15 CLASS.

16 Sec. 3. Intent

17 It is the intent of the legislature that Arizona shall not educate
18 nor judge an individual based upon their religion, political affiliation,
19 social class, gender, ethnicity, race or by the color of their skin, but
20 by the content of their character.