

REFERENCE TITLE: schools; prohibited instruction; civil penalty

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2291

Introduced by
Representative Fillmore

AN ACT

REPEALING SECTION 15-717.02, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 15-717.02; RELATING TO SCHOOL 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3 Section 15-717.02, Arizona Revised Statutes, are repealed.

4 Sec. 2. Title 15, chapter 7, article 1, Arizona Revised Statutes,
5 is amended by adding a new section 15-717.02, to read:

6 15-717.02. Prohibited instruction; disciplinary action; legal
7 action; civil penalty

8 A. A TEACHER, ADMINISTRATOR OR OTHER EMPLOYEE OF A SCHOOL DISTRICT,
9 CHARTER SCHOOL OR STATE AGENCY WHO IS INVOLVED WITH STUDENTS AND TEACHERS
10 IN PRESCHOOL OR KINDERGARTEN PROGRAMS OR ANY OF GRADES ONE THROUGH TWELVE
11 MAY NOT USE PUBLIC MONIES FOR INSTRUCTION THAT PRESENTS ANY FORM OF BLAME
12 OR JUDGMENT ON THE BASIS OF RACE, ETHNICITY OR SEX.

13 B. A TEACHER, ADMINISTRATOR OR OTHER EMPLOYEE OF A SCHOOL DISTRICT,
14 CHARTER SCHOOL OR STATE AGENCY WHO IS INVOLVED WITH STUDENTS AND TEACHERS
15 IN PRESCHOOL OR KINDERGARTEN PROGRAMS OR ANY OF GRADES ONE THROUGH TWELVE
16 MAY NOT ALLOW INSTRUCTION IN OR MAKE PART OF A COURSE ANY OF THE FOLLOWING
17 CONCEPTS:

18 1. ONE RACE, ETHNIC GROUP OR SEX IS INHERENTLY MORALLY OR
19 INTELLECTUALLY SUPERIOR TO ANOTHER RACE, ETHNIC GROUP OR SEX.

20 2. AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE, ETHNICITY OR
21 SEX, IS INHERENTLY RACIST, SEXIST OR OPPRESSIVE, WHETHER CONSCIOUSLY OR
22 UNCONSCIOUSLY.

23 3. AN INDIVIDUAL SHOULD BE INVIDIOUSLY DISCRIMINATED AGAINST OR
24 RECEIVE ADVERSE TREATMENT SOLELY OR PARTLY BECAUSE OF THE INDIVIDUAL'S
25 RACE, ETHNICITY OR SEX.

26 4. AN INDIVIDUAL'S MORAL CHARACTER IS DETERMINED BY THE
27 INDIVIDUAL'S RACE, ETHNICITY OR SEX.

28 5. AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE, ETHNICITY OR
29 SEX, BEARS RESPONSIBILITY FOR ACTIONS COMMITTED BY OTHER MEMBERS OF THE
30 SAME RACE, ETHNIC GROUP OR SEX.

31 6. AN INDIVIDUAL SHOULD FEEL DISCOMFORT, GUILT, ANGUISH OR ANY
32 OTHER FORM OF PSYCHOLOGICAL DISTRESS BECAUSE OF THE INDIVIDUAL'S RACE,
33 ETHNICITY OR SEX.

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

38 C. AN ATTORNEY ACTING ON BEHALF OF A PUBLIC SCHOOL MAY REQUEST A
39 LEGAL OPINION OF THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE
40 COUNTY IN WHICH AN ALLEGED VIOLATION OF THIS SECTION OCCURS AS TO WHETHER
41 A PROPOSED USE OF SCHOOL DISTRICT RESOURCES WOULD VIOLATE THIS SECTION.

42 D. A TEACHER WHO VIOLATES THIS SECTION IS SUBJECT TO DISCIPLINARY
43 ACTION, INCLUDING THE SUSPENSION OR REVOCATION OF THE TEACHER'S
44 CERTIFICATE, AS THE STATE BOARD DEEMS APPROPRIATE.

1 E. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN
2 WHICH AN ALLEGED VIOLATION OF THIS SECTION OCCURS MAY INITIATE A SUIT IN
3 THE SUPERIOR COURT IN THE COUNTY IN WHICH THE SCHOOL DISTRICT, CHARTER
4 SCHOOL OR STATE AGENCY IS LOCATED FOR THE PURPOSE OF COMPLYING WITH THIS
5 SECTION.

6 F. FOR EACH VIOLATION OF THIS SECTION, INCLUDING SUBSEQUENT OR
7 CONTINUED VIOLATIONS, THE COURT MAY IMPOSE A CIVIL PENALTY OF AT LEAST
8 \$5,000 PER SCHOOL DISTRICT, CHARTER SCHOOL OR STATE AGENCY WHERE THE
9 VIOLATION OCCURS.

10 G. THIS SECTION DOES NOT PRECLUDE ANY TRAINING ON SEXUAL HARASSMENT
11 OR LESSONS ON RECOGNIZING AND REPORTING ABUSE.