

REFERENCE TITLE: educational institutions; discrimination; religion; anti-Semitism

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

# HB 2819

Introduced by  
Representatives Hernandez A: Hernandez D

AN ACT

AMENDING SECTIONS 15-110 AND 15-1862, ARIZONA REVISED STATUTES; RELATING  
TO DISCRIMINATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-110, Arizona Revised Statutes, is amended to  
3 read:

4 15-110. Rights of students at public educational  
5 institutions; policies; limitations; definitions

6 A. A public educational institution shall not discriminate against  
7 students, ~~or~~ parents OR ANY OTHER PERSON on the basis of RELIGION,  
8 INCLUDING a religious viewpoint, ~~or religious~~ expression OR BELIEF.

9 B. EACH PUBLIC EDUCATIONAL INSTITUTION SHALL ADOPT POLICIES TO  
10 PROHIBIT STUDENTS AND EMPLOYEES OF THE PUBLIC EDUCATIONAL INSTITUTION FROM  
11 DISCRIMINATING AGAINST STUDENTS, PARENTS OR EMPLOYEES OF THE PUBLIC  
12 EDUCATIONAL INSTITUTION ON THE BASIS OF RELIGION. A PUBLIC EDUCATIONAL  
13 INSTITUTION SHALL TREAT DISCRIMINATION BY A STUDENT OR EMPLOYEE OR  
14 RESULTING FROM AN INSTITUTIONAL POLICY THAT IS MOTIVATED BY ANTI-SEMITISM  
15 IN AN IDENTICAL MANNER TO DISCRIMINATION THAT IS MOTIVATED BY RACE.

16 ~~B.~~ C. If an assignment requires a student's viewpoint to be  
17 expressed in coursework, artwork or other written or oral assignments, a  
18 public educational institution shall not penalize or reward a student on  
19 the basis of religious content or a religious viewpoint. In such an  
20 assignment, a student's academic work that expresses a religious viewpoint  
21 shall be evaluated based on ordinary academic standards of substance and  
22 relevance to the course curriculum or requirements of the coursework or  
23 assignment.

24 ~~C.~~ D. Students in public educational institutions may pray or  
25 engage in religious activities or religious expression before, during and  
26 after the school day in the same manner and to the same extent that  
27 students may engage in nonreligious activities or expression.

28 ~~D.~~ E. Students in public educational institutions may wear  
29 clothing, accessories and jewelry that display religious messages or  
30 religious symbols in the same manner and to the same extent that other  
31 types of clothing, accessories and jewelry that display messages or  
32 symbols are ~~permitted~~ ALLOWED.

33 ~~E.~~ F. This section ~~shall~~ DOES not ~~be construed to~~ authorize this  
34 state or any of its political subdivisions to do either of the following:

- 35 1. Require any person to participate in prayer or in any other  
36 religious activity.  
37 2. Violate the constitutional rights of any person.

38 ~~F.~~ G. This section ~~shall~~ DOES not ~~be construed to~~ limit the  
39 authority of any public educational institution to do any of the  
40 following:

- 41 1. Maintain order and discipline on the campus of the public  
42 educational institution in a content and viewpoint neutral manner.  
43 2. Protect the safety of students, employees and visitors of the  
44 public educational institution.

1           3. Adopt and enforce policies and procedures regarding student  
2 speech at THE school ~~provided that~~ IF the policies and procedures do not  
3 violate the rights of students as guaranteed by the United States and  
4 Arizona constitutions and laws.

5           4. Adopt and enforce policies and procedures that prohibit students  
6 from wearing any type of clothing, accessories and jewelry that is worn  
7 with the intent to convey affiliation with a criminal street gang as  
8 defined in section 13-105.

9           ~~H.~~ H. A student or a student's parent shall not initiate legal  
10 action to enforce this section unless the student or the student's parent  
11 has done the following:

12           1. The student or the student's parent shall submit a complaint in  
13 writing with the specific facts of the alleged violation to the principal  
14 of the school. The principal shall investigate the complaint and respond  
15 in writing, including a description of any action taken to resolve the  
16 complaint, within fifteen days ~~of~~ AFTER receiving the written complaint.

17           2. If the action taken by the principal of the school does not  
18 resolve the complaint of the student or the student's parent, the student  
19 or the student's parent shall submit a complaint in writing with the  
20 specific facts of the alleged violation to the superintendent or  
21 designated administrator. The superintendent or designated administrator  
22 shall investigate the complaint and respond in writing, including a  
23 description of any action taken to resolve the complaint, within  
24 twenty-five days ~~of~~ AFTER receiving the written complaint.

25           3. If the action taken by the superintendent or designated  
26 administrator does not resolve the complaint of the student or the  
27 student's parent, the student or the student's parent may pursue legal  
28 action to enforce this section.

29           ~~H.~~ I. For the purposes of this section: ~~;~~

30           1. "ANTI-SEMITISM" INCLUDES A CERTAIN PERCEPTION OF ISRAEL OR THE  
31 JEWISH PEOPLE, WHICH MAY BE EXPRESSED AS HATRED TOWARD JEWISH PEOPLE, AND  
32 RHETORICAL AND PHYSICAL MANIFESTATIONS OF ANTI-SEMITISM DIRECTED TOWARD  
33 ISRAEL, A PERSON, A PERSON'S PROPERTY OR JEWISH COMMUNITY INSTITUTIONS OR  
34 RELIGIOUS FACILITIES, INCLUDING ANY OF THE FOLLOWING:

35           (a) CALLING FOR, AIDING OR JUSTIFYING THE KILLING OR HARMING OF  
36 JEWISH PEOPLE, OFTEN IN THE NAME OF A RADICAL IDEOLOGY OR AN EXTREMIST  
37 VIEW OF RELIGION.

38           (b) ACCUSING JEWISH PEOPLE OR ISRAEL OF INVENTING OR EXAGGERATING  
39 THE HOLOCAUST.

40           (c) ACCUSING JEWISH PEOPLE OF BEING MORE LOYAL TO ISRAEL, OR THE  
41 ALLEGED PRIORITIES OF JEWISH PEOPLE WORLDWIDE, THAN TO THE INTEREST OF  
42 THEIR OWN NATIONS.

43           (d) APPLYING A DOUBLE STANDARD TO ISRAEL BY REQUIRING BEHAVIOR OF  
44 ISRAEL THAT IS NOT EXPECTED OR DEMANDED OF ANY OTHER DEMOCRATIC NATION, OR  
45 FOCUSING PEACE OR HUMAN RIGHTS INVESTIGATIONS ONLY ON ISRAEL.

1 (e) DELEGITIMIZING ISRAEL BY DENYING THE JEWISH PEOPLE THEIR RIGHT  
2 TO SELF-DETERMINATION AND DENYING ISRAEL THE RIGHT TO EXIST.

3 2. "Public educational institution" means any of the following:

4 ~~1.~~ (a) A school district, including its schools.

5 ~~2.~~ (b) A charter school.

6 ~~3.~~ (c) An accommodation school.

7 ~~4.~~ (d) The Arizona state schools for the deaf and the blind.

8 Sec. 2. Section 15-1862, Arizona Revised Statutes, is amended to  
9 read:

10 15-1862. Rights of students at universities and community  
11 colleges; policies; definition

12 A. A university or community college shall not discriminate against  
13 a student OR ANY OTHER PERSON on the basis of the student's OR PERSON'S  
14 RELIGION, INCLUDING THE STUDENT'S OR PERSON'S religious viewpoint,  
15 expression or belief.

16 B. A university or community college shall not adopt any policy  
17 that penalizes or punishes a student based on the student's religious  
18 viewpoint, expression or beliefs.

19 C. EACH UNIVERSITY AND COMMUNITY COLLEGE SHALL ADOPT POLICIES TO  
20 PROHIBIT STUDENTS AND EMPLOYEES OF THE UNIVERSITY OR COMMUNITY COLLEGE  
21 FROM DISCRIMINATING AGAINST STUDENTS ON THE BASIS OF RELIGION. A  
22 UNIVERSITY OR COMMUNITY COLLEGE SHALL TREAT DISCRIMINATION BY A STUDENT OR  
23 EMPLOYEE OR RESULTING FROM AN INSTITUTIONAL POLICY THAT IS MOTIVATED BY  
24 ANTI-SEMITISM IN AN IDENTICAL MANNER TO DISCRIMINATION THAT IS MOTIVATED  
25 BY RACE.

26 ~~D.~~ D. If an assignment or classroom discussion requests a  
27 student's viewpoint in coursework, artwork or other written or oral  
28 assignments, a university or community college shall not penalize or  
29 reward a student on the basis of religious content or a religious  
30 viewpoint. In such an assignment, a student's academic work that  
31 expresses a religious viewpoint shall be evaluated based on ordinary  
32 academic standards such as grammar, style, analysis and adherence to the  
33 instructions for the assignment.

34 ~~E.~~ E. A university or community college shall not withhold any  
35 certificate or degree on the basis of a student's religious viewpoint or  
36 religious expression.

37 ~~F.~~ F. A university or community college shall not discipline or  
38 discriminate against a student in a counseling, social work or psychology  
39 program because the student refuses to counsel a client about goals that  
40 conflict with the student's sincerely held religious belief if the student  
41 consults with the supervising instructor or professor to determine the  
42 proper course of action to avoid harm to the client.

1 G. FOR THE PURPOSES OF THIS SECTION, "ANTI-SEMITISM" INCLUDES A  
2 CERTAIN PERCEPTION OF ISRAEL OR THE JEWISH PEOPLE, WHICH MAY BE EXPRESSED  
3 AS HATRED TOWARD JEWISH PEOPLE, AND RHETORICAL AND PHYSICAL MANIFESTATIONS  
4 OF ANTI-SEMITISM DIRECTED TOWARD ISRAEL, A PERSON, A PERSON'S PROPERTY OR  
5 JEWISH COMMUNITY INSTITUTIONS OR RELIGIOUS FACILITIES, INCLUDING ANY OF  
6 THE FOLLOWING:

7 1. CALLING FOR, AIDING OR JUSTIFYING THE KILLING OR HARMING OF  
8 JEWISH PEOPLE, OFTEN IN THE NAME OF A RADICAL IDEOLOGY OR AN EXTREMIST  
9 VIEW OF RELIGION.

10 2. ACCUSING JEWISH PEOPLE OR ISRAEL OF INVENTING OR EXAGGERATING  
11 THE HOLOCAUST.

12 3. ACCUSING JEWISH PEOPLE OF BEING MORE LOYAL TO ISRAEL, OR THE  
13 ALLEGED PRIORITIES OF JEWISH PEOPLE WORLDWIDE, THAN TO THE INTEREST OF  
14 THEIR OWN NATIONS.

15 4. APPLYING A DOUBLE STANDARD TO ISRAEL BY REQUIRING BEHAVIOR OF  
16 ISRAEL THAT IS NOT EXPECTED OR DEMANDED OF ANY OTHER DEMOCRATIC NATION, OR  
17 FOCUSING PEACE OR HUMAN RIGHTS INVESTIGATIONS ONLY ON ISRAEL.

18 5. DELEGITIMIZING ISRAEL BY DENYING THE JEWISH PEOPLE THEIR RIGHT  
19 TO SELF-DETERMINATION AND DENYING ISRAEL THE RIGHT TO EXIST.