

Senate Engrossed

~~schools; flags; display; civil penalty~~
(now: schools; flags; constitution; display; penalty)

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1111

AN ACT

AMENDING SECTION 15-506, ARIZONA REVISED STATUTES; RELATING TO SCHOOL EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-506, Arizona Revised Statutes, is amended to
3 read:

4 15-506. Flag, Constitution and Bill of Rights display;
5 recitation of pledge of allegiance; moment of
6 silence; exemptions; civil penalty; definitions

7 A. School districts and charter schools shall:

8 1. Acquire United States flags that are manufactured in the United
9 States and that are at least two feet by three feet and hardware to
10 appropriately display the United States flags.

11 2. For grades seven through twelve, acquire a legible copy of the
12 Constitution of the United States and the Bill of Rights that is
13 manufactured in the United States.

14 3. Display the flags in accordance with title 4 of the United
15 States Code in each classroom and on or near the outside of the school
16 building during school hours and at such other times as the school
17 authorities direct.

18 4. For grades seven through twelve, place a legible copy of the
19 Constitution of the United States and the Bill of Rights adjacent to each
20 classroom flag.

21 5. Set aside a specific time each day for students who wish to
22 recite the pledge of allegiance to the United States flag.

23 6. For kindergarten programs and grades one through twelve, set
24 aside at least one minute but not more than two minutes at the beginning
25 of each school day for students to engage in a moment of silence during
26 which students may not interfere with other students' participation. A
27 teacher or other school employee may not suggest the nature of any
28 reflection in which a student may engage during the moment of silence.
29 Each teacher of a class in which a moment of silence occurs pursuant to
30 this paragraph shall encourage parents of students in the class to discuss
31 with their children how to best use the moment of silence required by this
32 paragraph.

33 B. Private schools, parochial schools and homeschools are exempt
34 from this section.

35 C. THE DEPARTMENT OF EDUCATION SHALL ESTABLISH A PROCESS FOR ANY
36 PERSON TO FILE A COMPLAINT WITH THE DEPARTMENT ALLEGING THAT A SCHOOL
37 DISTRICT HAS VIOLATED SUBSECTION A, PARAGRAPH 3 OR 4 OF THIS SECTION. THE
38 DEPARTMENT SHALL DETERMINE IN WRITING WHETHER A VIOLATION OCCURRED. IF
39 THE DEPARTMENT DETERMINES THAT A VIOLATION OCCURRED, THE DEPARTMENT SHALL
40 NOTIFY THE SCHOOL DISTRICT SUPERINTENDENT AND THE SCHOOL DISTRICT
41 GOVERNING BOARD THAT THE SCHOOL DISTRICT IS IN VIOLATION OF SUBSECTION A,
42 PARAGRAPH 3 OR 4 OF THIS SECTION. FOR A FIRST OFFENSE, THE SCHOOL
43 DISTRICT SHALL CORRECT THE VIOLATION WITHIN FIVE DAYS AFTER RECEIVING THE
44 NOTIFICATION PURSUANT TO THIS SUBSECTION AND SHALL SUBMIT TO THE
45 DEPARTMENT EVIDENCE THAT THE VIOLATION HAS BEEN CORRECTED. IF THE SCHOOL
46 DISTRICT DOES NOT CORRECT THE VIOLATION WITHIN FIVE DAYS AFTER RECEIVING

1 THE NOTIFICATION PURSUANT TO THIS SUBSECTION, THE DEPARTMENT SHALL NOTIFY
2 THE ATTORNEY GENERAL FOR THE PURPOSES OF SUBSECTION E OF THIS SECTION. IF
3 THE DEPARTMENT DETERMINES THAT THE SCHOOL DISTRICT HAS COMMITTED A REPEAT
4 OFFENSE, THE DEPARTMENT SHALL NOTIFY THE ATTORNEY GENERAL FOR THE PURPOSES
5 OF SUBSECTION E OF THIS SECTION. DETERMINATIONS MADE PURSUANT TO THIS
6 SUBSECTION ARE SUBJECT TO APPEAL PURSUANT TO TITLE 41, CHAPTER 6,
7 ARTICLE 10.

8 D. THE STATE BOARD FOR CHARTER SCHOOLS SHALL ESTABLISH A PROCESS
9 FOR ANY PERSON TO FILE A COMPLAINT WITH THE STATE BOARD ALLEGING THAT A
10 CHARTER SCHOOL HAS VIOLATED SUBSECTION A, PARAGRAPH 3 OR 4 OF THIS
11 SECTION. THE STATE BOARD SHALL DETERMINE IN WRITING WHETHER A VIOLATION
12 OCCURRED. IF THE STATE BOARD DETERMINES THAT A VIOLATION OCCURRED, THE
13 STATE BOARD SHALL NOTIFY THE PRINCIPAL OF THE CHARTER SCHOOL AND THE
14 CHARTER SCHOOL GOVERNING BODY THAT THE CHARTER SCHOOL IS IN VIOLATION OF
15 SUBSECTION A, PARAGRAPH 3 OR 4 OF THIS SECTION. FOR A FIRST OFFENSE, THE
16 CHARTER SCHOOL SHALL CORRECT THE VIOLATION WITHIN FIVE DAYS AFTER
17 RECEIVING THE NOTIFICATION PURSUANT TO THIS SUBSECTION AND SHALL SUBMIT TO
18 THE STATE BOARD EVIDENCE THAT THE VIOLATION HAS BEEN CORRECTED. IF THE
19 CHARTER SCHOOL DOES NOT CORRECT THE VIOLATION WITHIN FIVE DAYS AFTER
20 RECEIVING THE NOTIFICATION PURSUANT TO THIS SUBSECTION, THE STATE BOARD
21 SHALL NOTIFY THE ATTORNEY GENERAL FOR THE PURPOSES OF SUBSECTION E OF THIS
22 SECTION. IF THE STATE BOARD DETERMINES THAT THE CHARTER SCHOOL HAS
23 COMMITTED A REPEAT OFFENSE, THE STATE BOARD SHALL NOTIFY THE ATTORNEY
24 GENERAL FOR THE PURPOSES OF SUBSECTION E OF THIS SECTION. DETERMINATIONS
25 MADE PURSUANT TO THIS SUBSECTION ARE SUBJECT TO APPEAL PURSUANT TO TITLE
26 41, CHAPTER 6, ARTICLE 10.

27 E. AFTER RECEIVING NOTIFICATION FROM THE DEPARTMENT OF EDUCATION
28 PURSUANT TO SUBSECTION C OF THIS SECTION OR FROM THE STATE BOARD FOR
29 CHARTER SCHOOLS PURSUANT TO SUBSECTION D OF THIS SECTION, THE ATTORNEY
30 GENERAL SHALL IMPOSE AND COLLECT A CIVIL PENALTY OF NOT MORE THAN \$1,000
31 FOR EACH VIOLATION THAT IS EITHER:

32 1. A FIRST OFFENSE THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL
33 FAILED TO CORRECT WITHIN FIVE DAYS AFTER RECEIVING THE NOTIFICATION
34 REQUIRED PURSUANT TO SUBSECTION C OR D OF THIS SECTION.

35 2. A REPEAT OFFENSE.

36 F. FOR THE PURPOSES OF THIS SECTION:

37 1. "FIRST OFFENSE" MEANS THE FIRST VIOLATION OF SUBSECTION A,
38 PARAGRAPH 3 OR 4 OF THIS SECTION DURING THE SCHOOL YEAR.

39 2. "REPEAT OFFENSE" MEANS A SECOND OR SUBSEQUENT VIOLATION OF
40 SUBSECTION A, PARAGRAPH 3 OR 4 OF THIS SECTION DURING THE SCHOOL YEAR TO
41 WHICH BOTH OF THE FOLLOWING APPLY:

42 (a) THE VIOLATION OCCURRED IN THE SAME CLASSROOM OR ON OR NEAR THE
43 OUTSIDE OF THE SAME SCHOOL BUILDING, WHICHEVER APPLIES, AS THE EARLIER
44 VIOLATION OF THE SAME PARAGRAPH.

45 (b) THE SCHOOL DISTRICT OR CHARTER SCHOOL CORRECTED THE EARLIER
46 VIOLATION PURSUANT TO SUBSECTION C OR D OF THIS SECTION.