

REFERENCE TITLE: race; ethnicity; prohibited instruction.

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

SB 1305

Introduced by
Senators Mesnard: Bennett, Borrelli, Farnsworth, Hoffman, Kern, Kerr,
Petersen, Shamp, Shope, Wadsack

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 CURRICULUM.

(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4 repealed.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. A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE AGENCY OR AN EMPLOYEE
15 OF A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE AGENCY MAY NOT PROVIDE OR
16 ALLOW ANY PERSON TO PROVIDE INSTRUCTION TO STUDENTS OR EMPLOYEES THAT
17 PROMOTES OR ADVOCATES FOR ANY OF THE FOLLOWING CONCEPTS:

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

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

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

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

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

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

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

36 B. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT OF A PUBLIC SCHOOL,
37 SCHOOL DISTRICT OR STATE AGENCY MAY FILE A COMPLAINT WITH AN APPROPRIATE
38 ADMINISTRATOR DESIGNATED BY THE PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE
39 AGENCY IF THE STUDENT OR EMPLOYEE RECEIVES INSTRUCTION THAT ALLEGEDLY
40 VIOLATES SUBSECTION A OF THIS SECTION. A STUDENT, EMPLOYEE OR PARENT OF A
41 STUDENT OF A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE AGENCY MAY NOT FILE
42 MORE THAN ONE COMPLAINT UNDER THIS SUBSECTION IN ANY THIRTY-DAY PERIOD. A
43 COMPLAINT MAY IDENTIFY MULTIPLE ALLEGED VIOLATIONS OF THIS SECTION. THE
44 DESIGNATED ADMINISTRATOR SHALL DETERMINE IN WRITING WHETHER THE VIOLATION
45 OCCURRED AND, IF A VIOLATION OCCURRED, ACT TO RESOLVE THE COMPLAINT WITHIN

1 SIXTY DAYS AFTER RECEIVING THE COMPLAINT. FOR THE PURPOSES OF THIS
2 SUBSECTION, THE DESIGNATED ADMINISTRATOR OF:

3 1. A SCHOOL DISTRICT OR A SCHOOL OPERATED BY A SCHOOL DISTRICT IS
4 THE SCHOOL DISTRICT SUPERINTENDENT.

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

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

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

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

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

42 G. THIS SECTION DOES NOT PREVENT AN EMPLOYEE OF A PUBLIC SCHOOL,
43 SCHOOL DISTRICT OR STATE AGENCY OR ANY PERSON WHO IS INVITED TO A PUBLIC
44 SCHOOL, SCHOOL DISTRICT OR STATE AGENCY TO PROVIDE INSTRUCTION TO STUDENTS
45 OR EMPLOYEES FROM IDENTIFYING AND DISCUSSING HISTORICAL MOVEMENTS,

1 IDEOLOGIES OR INSTANCES OF RACIAL HATRED OR DISCRIMINATION, INCLUDING
2 SLAVERY, INDIAN REMOVAL, THE HOLOCAUST AND JAPANESE-AMERICAN INTERNMENT.
3 H. INSTRUCTION THAT VIOLATES SUBSECTION A OF THIS SECTION
4 CONSTITUTES A SINGLE VIOLATION IF IT RESULTS FROM A SINGLE ACT OR SERIES
5 OF RELATED ACTS.
6 I. FOR THE PURPOSES OF THIS SECTION:
7 1. "EMPLOYEE" MEANS AN EMPLOYEE OF A PUBLIC SCHOOL, SCHOOL DISTRICT
8 OR STATE AGENCY WHO IS ACTING IN THE COURSE OF THE EMPLOYEE'S OFFICIAL
9 DUTIES.
10 2. "INSTRUCTION" INCLUDES ANY OF THE FOLLOWING:
11 (a) EDUCATIONAL ACTIVITIES.
12 (b) TRAINING.
13 (c) INSTRUCTION THAT IS PART OF A TEACHER PREPARATION PROGRAM,
14 CONTINUING EDUCATION OR PROFESSIONAL DEVELOPMENT.
15 3. "STATE AGENCY" MEANS A STATE AGENCY THAT IS INVOLVED WITH
16 STUDENTS OR TEACHERS OF PRESCHOOL OR KINDERGARTEN PROGRAMS OR ANY OF
17 GRADES ONE THROUGH TWELVE.