



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1122

schools; flags; constitution; display; penalty

Purpose

Requires the Arizona Department of Education (ADE) and the Arizona State Board for Charter Schools (ASBCS) to each establish a complaint process for school district or charter school violations of the requirements to display the U.S. flag, U.S. Constitution and Bill of Rights. Imposes a civil penalty of up to \$1,000 for a first offense that a school district or charter school fails to correct or a repeat offense.

Background

Statute requires a school district or charter school to: 1) display a U.S. flag in each classroom and on or near the outside of a school building during school hours and any other time as directed by school authorities; 2) place a legible copy of the U.S. Constitution and Bill of Rights adjacent to each 7th through 12th grade classroom's U.S. flag; 3) set aside a specific time each day for students who wish to recite the pledge of allegiance to the U.S. flag; and 4) set aside between one and two minutes at the beginning of each school day for a moment of silence. A displayed U.S. flag must be at least two feet by three feet and manufactured in the United States. Private schools, parochial schools and homeschools are exempt from these requirements ([A.R.S. § 15-506](#)).

Federal law prescribes requirements for the size, design and display of the U.S. flag, including time, occasion and position for display ([4 U.S.C. §§ 1-10](#)).

Except as otherwise outlined, monies received for and belonging to the state are deposited in the state treasury and credited to the state General Fund ([A.R.S. § 35-142](#)). If the civil penalty for unremedied or subsequent violations results in an increase to civil penalty revenues collected by the Attorney General, there may be a fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Directs, for violations of statutory requirements to display the U.S. flag, U.S. Constitution and Bill of Rights:
 - a) ADE to establish a process for a person to file a complaint with ADE alleging a violation by a school district; and
 - b) the ASBCS to establish a process for a person to file a complaint with ASBCS alleging a violation by a charter school.
2. Requires ADE or the ASBCS to determine whether a violation occurred.
3. Requires ADE or ASBCS, if a violation is determined to have occurred, to notify the following that the school district or charter school is in violation of the requirements:
 - a) for a school district, the school district superintendent and governing board; or
 - b) for a charter school, the charter school principal and governing body.

4. Requires a school district or charter school, for a first offense, to:
 - a) correct the violation within five days after receiving the violation notice; and
 - b) submit to ADE or the ASBCS, as applicable, evidence that the violation has been corrected.
5. Requires ADE or the ASBCS to notify the Attorney General if:
 - a) the school district or charter school fails to correct a first offense within five days; or
 - b) ADE or the ASBCS determine a school district or charter school has committed a repeat offense.
6. Requires the Attorney General to impose and collect a civil penalty of up to \$1,000 for each violation that is:
 - a) a first offense that the school district or charter school failed to correct within five days after receiving the violation notice; or
 - b) a repeat offense.
7. Subjects ADE or ASBCS determinations relating to violations of the specified requirements to administrative appeal.
8. Defines *first offense* as the first violation during the school year of the statutory requirements to display the U.S. flag, U.S. Constitution and Bill of Rights.
9. Defines *repeat offense* as a second or subsequent violation during the school year of the statutory requirements to display the U.S. flag, U.S. Constitution and Bill of Rights to which both of the following apply:
 - a) the violation occurred in the same classroom or on or near the outside of the same school building as the earlier violation of the same requirement; and
 - b) the school district or charter school corrected the earlier violation.
10. Becomes effective on the general effective date.

Prepared by Senate Research

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MH/sdr