

REFERENCE TITLE: selective admissions requirements; schools; prohibition

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HCR 2029

Introduced by
Representative Parker B

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO STUDENT ADMISSIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to student admissions, is enacted to
5 become valid as a law if approved by the voters and on proclamation of the
6 Governor:

7 AN ACT

8 AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED
9 STATUTES, BY ADDING SECTIONS 15-111.01 AND 15-111.02; AMENDING
10 TITLE 15, CHAPTER 13, ARTICLE 2, ARIZONA REVISED STATUTES, BY
11 ADDING SECTIONS 15-1626.02 AND 15-1626.03; RELATING TO
12 SELECTIVE STUDENT ADMISSIONS.

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

14 Section 1. Title 15, chapter 1, article 1, Arizona
15 Revised Statutes, is amended by adding sections 15-111.01 and
16 15-111.02, to read:

17 15-111.01. Selective admissions process; criteria;
18 posting; reporting requirements

19 A. ON OR BEFORE AUGUST 1, 2025, AND EACH YEAR
20 THEREAFTER, EACH PUBLIC SCHOOL THAT HAS A SELECTIVE ADMISSION
21 PROCESS SHALL POST ON ITS WEBSITE A LIST OF ALL INFORMATION
22 USED BY THE PUBLIC SCHOOL OR REPRESENTATIVES OF THE PUBLIC
23 SCHOOL TO EVALUATE APPLICATIONS FOR ADMISSION FROM PROSPECTIVE
24 STUDENTS. THE LIST MUST INCLUDE ANY OF THE FOLLOWING
25 INFORMATION THAT THE PUBLIC SCHOOL USES OR MAY USE DURING THE
26 ADMISSIONS PROCESS:

27 1. THE PROSPECTIVE STUDENT'S ACADEMIC PERFORMANCE,
28 INCLUDING GRADE POINT AVERAGE, STANDARDIZED TEST SCORES AND
29 CLASS RANK.

30 2. THE PROSPECTIVE STUDENT'S EXTRACURRICULAR
31 ACTIVITIES, INCLUDING COMMUNITY SERVICE AND LEADERSHIP
32 EXPERIENCE.

33 3. ANY WRITINGS AUTHORED BY THE PROSPECTIVE STUDENT,
34 INCLUDING PERSONAL ESSAYS AND STATEMENTS OF PURPOSE.

35 4. LETTERS RECOMMENDING THE PROSPECTIVE STUDENT FOR
36 ADMISSION TO THE PUBLIC SCHOOL.

37 5. THE PROSPECTIVE STUDENT'S SPECIAL TALENTS,
38 ACHIEVEMENTS OR AWARDS.

39 6. THE PROSPECTIVE STUDENT'S SOCIOECONOMIC BACKGROUND
40 AND OTHER DIVERSITY-RELATED CONSIDERATIONS.

41 7. WHETHER A PARENT OR OTHER FAMILY MEMBER OF THE
42 PROSPECTIVE STUDENT ATTENDED OR GRADUATED FROM THE PUBLIC
43 SCHOOL.

44 8. FINANCIAL OR IN-KIND DONATIONS MADE TO THE PUBLIC
45 SCHOOL BY THE PROSPECTIVE STUDENT OR ANY PERSON, INCLUDING A

1 BUSINESS OR FAMILY MEMBER, WHO IS ASSOCIATED WITH THE
2 PROSPECTIVE STUDENT.

3 9. ANY OTHER INFORMATION THAT MAY BE USED OR CONSIDERED
4 FOR EVALUATING AN APPLICATION FOR ADMISSION FROM A PROSPECTIVE
5 STUDENT.

6 B. ON OR BEFORE AUGUST 1, 2025, AND EACH YEAR
7 THEREAFTER, EACH PUBLIC SCHOOL THAT HAS A SELECTIVE ADMISSION
8 PROCESS SHALL REPORT TO THE DEPARTMENT OF EDUCATION:

9 1. ALL INFORMATION USED BY THE PUBLIC SCHOOL OR
10 REPRESENTATIVES OF THE PUBLIC SCHOOL DURING THE PREVIOUS
11 SCHOOL YEAR FOR EVALUATING APPLICATIONS FOR ADMISSION FROM
12 PROSPECTIVE STUDENTS.

13 2. THE WEIGHT OR SIGNIFICANCE ASSIGNED TO EACH PIECE OF
14 INFORMATION, IF APPLICABLE.

15 3. ANY CHANGES MADE TO THE ADMISSIONS PROCESS,
16 INCLUDING CHANGES TO THE INFORMATION THAT IS COLLECTED OR
17 USED, THE CRITERIA THAT ARE APPLIED BY THE PUBLIC SCHOOL OR
18 ITS REPRESENTATIVES FOR THE PURPOSE OF EVALUATING APPLICATIONS
19 FOR ADMISSION AND THE WEIGHT OR SIGNIFICANCE THAT IS ASSIGNED
20 TO EACH PIECE OF INFORMATION.

21 C. THE DEPARTMENT OF EDUCATION SHALL COMPILE AND
22 SUMMARIZE THE INFORMATION REPORTED PURSUANT TO SUBSECTION B OF
23 THIS SECTION AND ANNUALLY POST THE CONSOLIDATED REPORT ON THE
24 DEPARTMENT'S WEBSITE. THE CONSOLIDATED REPORT SHALL PROVIDE
25 AN OVERVIEW OF THE INFORMATION THAT IS USED BY PUBLIC SCHOOLS
26 FOR SELECTIVE ADMISSIONS IN THIS STATE AND OF THE RELATIVE
27 IMPORTANCE OF EACH PIECE OF INFORMATION, IF AVAILABLE.

28 15-111.02. Selective admission process;
29 requirements; prohibition; civil
30 remedies; burdens of proof;
31 definitions

32 A. A PUBLIC SCHOOL THAT HAS A SELECTIVE ADMISSIONS
33 PROCESS SHALL:

34 1. GRANT OR DENY APPLICATIONS FOR ADMISSION WITHOUT
35 CONSIDERING THE PROSPECTIVE STUDENT'S RELIGION, RACE, SEX,
36 COLOR, ETHNICITY, ANCESTRY OR NATIONAL ORIGIN.

37 2. ENSURE THAT POLICIES AND STANDARDS ADOPTED PURSUANT
38 TO SECTION 15-816.01 COMPLY WITH THIS SECTION.

39 B. A PUBLIC SCHOOL THAT HAS A SELECTIVE ADMISSIONS
40 PROCESS MAY NOT:

41 1. DISCRIMINATE AGAINST OR GRANT PREFERENTIAL TREATMENT
42 TO ANY INDIVIDUAL STUDENT OR GROUP OF PROSPECTIVE STUDENTS ON
43 THE BASIS OF RELIGION, RACE, SEX, COLOR, ETHNICITY, ANCESTRY
44 OR NATIONAL ORIGIN.

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2. USE A FACIALLY NEUTRAL FACTOR THAT, WHEN CONSIDERED ALONE OR TOGETHER WITH OTHER FACIALLY NEUTRAL FACTORS, CORRELATES WITH RELIGION, RACE, SEX, COLOR, ETHNICITY, ANCESTRY OR NATIONAL ORIGIN FOR THE PURPOSE OF DISCRIMINATING AGAINST OR GRANTING PREFERENTIAL TREATMENT TO ANY INDIVIDUAL STUDENT OR GROUP OF PROSPECTIVE STUDENTS ON THE BASIS OF RELIGION, RACE, SEX, COLOR, ETHNICITY, ANCESTRY OR NATIONAL ORIGIN.

3. COLLECT INFORMATION ABOUT A PROSPECTIVE STUDENT'S RELIGION, RACE, SEX, COLOR, ETHNICITY, ANCESTRY OR NATIONAL ORIGIN DURING THE ADMISSIONS PROCESS UNLESS THE COLLECTION IS REQUIRED BY FEDERAL LAW. IF FEDERAL LAW REQUIRES THE PUBLIC SCHOOL TO COLLECT INFORMATION DESCRIBED IN THIS PARAGRAPH, THE PUBLIC SCHOOL MUST REMOVE THE INFORMATION FROM THE APPLICATION MATERIALS THAT ARE PROVIDED TO ANY INDIVIDUAL WHO EVALUATES OR HAS DECISION-MAKING AUTHORITY OVER APPLICATIONS FOR ADMISSION.

C. A PUBLIC SCHOOL DOES NOT VIOLATE SUBSECTION B, PARAGRAPH 2 OF THIS SECTION BY USING ONE OR MORE TRADITIONAL ACADEMIC SUCCESS FACTORS THAT THE PUBLIC SCHOOL KNOWS MAY RESULT IN A DISPARATE IMPACT BY RELIGION, RACE, SEX, COLOR, ETHNICITY, ANCESTRY OR NATIONAL ORIGIN. AN INDIVIDUAL WHO ALLEGES THAT A PUBLIC SCHOOL USED ONE OR MORE TRADITIONAL ACADEMIC SUCCESS FACTORS FOR A PURPOSE THAT VIOLATES SUBSECTION B, PARAGRAPH 2 OF THIS SECTION MUST PROVE THAT THE CHALLENGED TRADITIONAL ACADEMIC SUCCESS FACTORS WERE MANIPULATED, WEIGHTED OR OTHERWISE USED WITH THE SPECIFIC INTENT OF DISCRIMINATING AGAINST OR GRANTING PREFERENCE TO AN INDIVIDUAL STUDENT OR GROUP OF PROSPECTIVE STUDENTS ON THE BASIS OF RELIGION, RACE, SEX, COLOR, ETHNICITY, ANCESTRY OR NATIONAL ORIGIN.

D. NOTWITHSTANDING SECTION 15-816.07, THE FOLLOWING PERSONS MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION TO ENJOIN ANY VIOLATION OF THIS SECTION BY ANY PUBLIC SCHOOL, SCHOOL EMPLOYEE OR ADMINISTRATOR OR TO RECOVER REASONABLE ATTORNEY FEES AND COURT COSTS:

1. THE ATTORNEY GENERAL.
2. A PERSON WHO WAS ADVERSELY AFFECTED BY A VIOLATION OF THIS SECTION.

E. IN AN ACTION BROUGHT UNDER SUBSECTION D OF THIS SECTION, IF THE COURT FINDS THAT A VIOLATION OF THIS SECTION OCCURRED, THE COURT SHALL AWARD THE AGGRIEVED PERSON INJUNCTIVE RELIEF FOR THE VIOLATION AND SHALL AWARD REASONABLE COURT COSTS AND REASONABLE ATTORNEY FEES. THE COURT SHALL ALSO AWARD DAMAGES OF \$1,000 OR ACTUAL DAMAGES, WHICHEVER IS GREATER.

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F. A PERSON SHALL BRING AN ACTION FOR A VIOLATION OF THIS SECTION WITHIN ONE YEAR AFTER THE DATE THE CAUSE OF ACTION ACCRUES. FOR THE PURPOSE OF CALCULATING THE ONE-YEAR LIMITATION PERIOD, EACH DAY THAT THE VIOLATION PERSISTS OR EACH DAY THAT A POLICY IN VIOLATION OF THIS SECTION REMAINS IN EFFECT CONSTITUTES A NEW VIOLATION OF THIS SECTION AND SHALL BE CONSIDERED A DAY THAT THE CAUSE OF ACTION HAS ACCRUED.

G. IF AN INDIVIDUAL WHO ALLEGES THAT A PUBLIC SCHOOL VIOLATED SUBSECTION B, PARAGRAPH 2 OF THIS SECTION ESTABLISHES PRIMA FACIE PROOF OF THE VIOLATION USING STATEMENTS, STATISTICAL EVIDENCE, PROJECTIONS OR OTHER EVIDENCE, THE PUBLIC SCHOOL MUST PROVE BOTH OF THE FOLLOWING:

1. THE CHALLENGED FACIALLY NEUTRAL FACTOR OR FACTORS WERE SELECTED SOLELY FOR A LAWFUL PURPOSE.

2. THE CHALLENGED FACIALLY NEUTRAL FACTOR OR FACTORS WERE NOT USED FOR THE PURPOSE OF DISCRIMINATING AGAINST OR GRANTING PREFERENCE TO ANY INDIVIDUAL STUDENT OR GROUP OF PROSPECTIVE STUDENTS ON THE BASIS OF RELIGION, RACE, SEX, COLOR, ETHNICITY, ANCESTRY OR NATIONAL ORIGIN.

H. FOR THE PURPOSES OF THIS SECTION:

1. "FACIALLY NEUTRAL FACTOR" INCLUDES ANY OF THE FOLLOWING:

(a) CAPS, QUOTAS OR TARGET NUMBERS FOR THE NUMBER OF ADMITTED STUDENTS FROM ONE OR MORE REGIONAL SCHOOLS OR FEEDER SCHOOLS.

(b) A PROSPECTIVE STUDENT'S ZIP CODE.

(c) GEOGRAPHIC OR SOCIOECONOMIC INFORMATION ABOUT A PROSPECTIVE STUDENT.

(d) PEER-GROUP CHARACTERISTICS WITHIN ONE OR MORE REGIONAL SCHOOLS, FEEDER SCHOOLS OR ZONED SCHOOLS.

2. "TRADITIONAL ACADEMIC SUCCESS FACTOR" MEANS ACADEMIC GRADES, ACADEMIC RECORDS, EXTRACURRICULAR ACTIVITIES, ACHIEVEMENTS THAT ARE RELEVANT TO ACADEMIC SUCCESS, ACADEMIC RECOMMENDATIONS BY TEACHERS OR SCHOOL OFFICIALS OR STANDARDIZED TEST SCORES THAT ARE NOT NORMED FOR DIFFERENT DEMOGRAPHIC REFERENCE GROUPS.

Sec. 2. Title 15, chapter 13, article 2, Arizona Revised Statutes, is amended by adding sections 15-1626.02 and 15-1626.03, to read:

15-1626.02. Admissions decisions; criteria; posting; reporting requirements; definition

A. ON OR BEFORE AUGUST 1, 2025, AND EACH YEAR THEREAFTER, EACH PUBLIC POSTSECONDARY INSTITUTION SHALL POST ON ITS WEBSITE A LIST OF ALL INFORMATION USED BY THE PUBLIC

1 POSTSECONDARY INSTITUTION OR REPRESENTATIVES OF THE PUBLIC
2 POSTSECONDARY INSTITUTION TO EVALUATE APPLICATIONS FOR
3 ADMISSION FROM PROSPECTIVE STUDENTS. THE LIST MUST INCLUDE
4 ANY OF THE FOLLOWING INFORMATION THAT THE PUBLIC POSTSECONDARY
5 INSTITUTION USES OR MAY USE DURING THE ADMISSIONS PROCESS:

6 1. THE PROSPECTIVE STUDENT'S ACADEMIC PERFORMANCE,
7 INCLUDING GRADE POINT AVERAGE, STANDARDIZED TEST SCORES AND
8 CLASS RANK.

9 2. THE PROSPECTIVE STUDENT'S EXTRACURRICULAR
10 ACTIVITIES, INCLUDING COMMUNITY SERVICE AND LEADERSHIP
11 EXPERIENCE.

12 3. ANY WRITINGS AUTHORED BY THE PROSPECTIVE STUDENT,
13 INCLUDING PERSONAL ESSAYS AND STATEMENTS OF PURPOSE.

14 4. LETTERS RECOMMENDING THE PROSPECTIVE STUDENT FOR
15 ADMISSION TO THE PUBLIC SCHOOL.

16 5. THE PROSPECTIVE STUDENT'S SPECIAL TALENTS,
17 ACHIEVEMENTS OR AWARDS.

18 6. THE PROSPECTIVE STUDENT'S SOCIOECONOMIC BACKGROUND
19 AND OTHER DIVERSITY-RELATED CONSIDERATIONS.

20 7. WHETHER A PARENT OR OTHER FAMILY MEMBER OF THE
21 PROSPECTIVE STUDENT ATTENDED OR GRADUATED FROM THE PUBLIC
22 POSTSECONDARY INSTITUTION.

23 8. FINANCIAL OR IN-KIND DONATIONS MADE TO THE PUBLIC
24 POSTSECONDARY INSTITUTION BY THE PROSPECTIVE STUDENT OR ANY
25 PERSON, INCLUDING A BUSINESS OR FAMILY MEMBER, WHO IS
26 ASSOCIATED WITH THE PROSPECTIVE STUDENT.

27 9. ANY OTHER INFORMATION THAT MAY BE USED OR CONSIDERED
28 FOR EVALUATING AN APPLICATION FOR ADMISSION FROM A PROSPECTIVE
29 STUDENT.

30 B. ON OR BEFORE AUGUST 1, 2025, AND EACH YEAR
31 THEREAFTER, EACH PUBLIC POSTSECONDARY INSTITUTION SHALL REPORT
32 TO THE ARIZONA BOARD OF REGENTS:

33 1. ALL INFORMATION USED BY THE PUBLIC POSTSECONDARY
34 INSTITUTION OR REPRESENTATIVES OF THE PUBLIC POSTSECONDARY
35 INSTITUTION DURING THE PREVIOUS SCHOOL YEAR FOR EVALUATING
36 APPLICATIONS FOR ADMISSION FROM PROSPECTIVE STUDENTS.

37 2. THE WEIGHT OR SIGNIFICANCE ASSIGNED TO EACH PIECE OF
38 INFORMATION, IF APPLICABLE.

39 3. ANY CHANGES MADE TO THE ADMISSIONS PROCESS,
40 INCLUDING CHANGES TO THE INFORMATION THAT IS COLLECTED OR
41 USED, THE CRITERIA THAT ARE APPLIED BY THE PUBLIC
42 POSTSECONDARY INSTITUTION OR ITS REPRESENTATIVES FOR THE
43 PURPOSE OF EVALUATING APPLICATIONS FOR ADMISSION AND THE
44 WEIGHT OR SIGNIFICANCE THAT IS ASSIGNED TO EACH PIECE OF
45 INFORMATION.

1 C. THE ARIZONA BOARD OF REGENTS SHALL COMPILE AND
2 SUMMARIZE THE INFORMATION REPORTED PURSUANT TO SUBSECTION B OF
3 THIS SECTION AND ANNUALLY POST THE CONSOLIDATED REPORT ON THE
4 ARIZONA BOARD OF REGENT'S WEBSITE. THE CONSOLIDATED REPORT
5 SHALL PROVIDE AN OVERVIEW OF THE INFORMATION THAT IS USED BY
6 PUBLIC POSTSECONDARY INSTITUTIONS FOR ADMISSIONS AND OF THE
7 RELATIVE IMPORTANCE OF EACH PIECE OF INFORMATION, IF
8 AVAILABLE.

9 D. FOR THE PURPOSES OF THIS SECTION, "PUBLIC
10 POSTSECONDARY INSTITUTION" MEANS EITHER:

11 1. A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA
12 BOARD OF REGENTS.

13 2. A COMMUNITY COLLEGE AS DEFINED IN SECTION 15-1401
14 THAT HAS A SELECTIVE ADMISSIONS PROCESS.

15 15-1826. Admissions decisions; requirements;
16 prohibition; civil remedies; burdens of
17 proof; definitions

18 A. A PUBLIC POSTSECONDARY INSTITUTION SHALL GRANT OR
19 DENY APPLICATIONS FOR ADMISSION WITHOUT CONSIDERING THE
20 PROSPECTIVE STUDENT'S RELIGION, RACE, SEX, COLOR, ETHNICITY,
21 ANCESTRY OR NATIONAL ORIGIN.

22 B. A PUBLIC POSTSECONDARY INSTITUTION MAY NOT:

23 1. DISCRIMINATE AGAINST OR GRANT PREFERENTIAL TREATMENT
24 TO ANY INDIVIDUAL STUDENT OR GROUP OF PROSPECTIVE STUDENTS ON
25 THE BASIS OF RELIGION, RACE, SEX, COLOR, ETHNICITY, ANCESTRY
26 OR NATIONAL ORIGIN.

27 2. USE A FACIALLY NEUTRAL FACTOR THAT, WHEN CONSIDERED
28 ALONE OR TOGETHER WITH OTHER FACIALLY NEUTRAL FACTORS,
29 CORRELATES WITH RELIGION, RACE, SEX, COLOR, ETHNICITY,
30 ANCESTRY OR NATIONAL ORIGIN FOR THE PURPOSE OF DISCRIMINATING
31 AGAINST OR GRANTING PREFERENTIAL TREATMENT TO ANY INDIVIDUAL
32 STUDENT OR GROUP OF PROSPECTIVE STUDENTS ON THE BASIS OF
33 RELIGION, RACE, SEX, COLOR, ETHNICITY, ANCESTRY OR NATIONAL
34 ORIGIN.

35 3. COLLECT INFORMATION ABOUT A PROSPECTIVE STUDENT'S
36 RELIGION, RACE, SEX, COLOR, ETHNICITY, ANCESTRY OR NATIONAL
37 ORIGIN DURING THE ADMISSION PROCESS UNLESS THE COLLECTION IS
38 REQUIRED BY FEDERAL LAW. IF FEDERAL LAW REQUIRES THE PUBLIC
39 POSTSECONDARY INSTITUTION TO COLLECT INFORMATION DESCRIBED IN
40 THIS PARAGRAPH, THE PUBLIC POSTSECONDARY INSTITUTION MUST
41 REMOVE THE INFORMATION FROM THE APPLICATION MATERIALS THAT ARE
42 PROVIDED TO ANY INDIVIDUAL WHO EVALUATES OR HAS
43 DECISION-MAKING AUTHORITY OVER APPLICATIONS FOR ADMISSION.

44 C. A PUBLIC POSTSECONDARY INSTITUTION DOES NOT VIOLATE
45 SUBSECTION B, PARAGRAPH 2 OF THIS SECTION BY USING ONE OR MORE

1 TRADITIONAL ACADEMIC SUCCESS FACTORS THAT THE PUBLIC
2 POSTSECONDARY INSTITUTION KNOWS MAY RESULT IN A DISPARATE
3 IMPACT BY RELIGION, RACE, SEX, COLOR, ETHNICITY, ANCESTRY OR
4 NATIONAL ORIGIN. AN INDIVIDUAL WHO ALLEGES THAT A PUBLIC
5 POSTSECONDARY INSTITUTION USED ONE OR MORE TRADITIONAL
6 ACADEMIC SUCCESS FACTORS FOR A PURPOSE THAT VIOLATES
7 SUBSECTION B, PARAGRAPH 2 OF THIS SECTION MUST PROVE THAT THE
8 CHALLENGED TRADITIONAL ACADEMIC SUCCESS FACTORS WERE
9 MANIPULATED, WEIGHTED OR OTHERWISE USED WITH THE SPECIFIC
10 INTENT OF DISCRIMINATING AGAINST OR GRANTING PREFERENCE TO AN
11 INDIVIDUAL STUDENT OR GROUP OF PROSPECTIVE STUDENTS ON THE
12 BASIS OF RELIGION, RACE, SEX, COLOR, ETHNICITY, ANCESTRY OR
13 NATIONAL ORIGIN.

14 D. THE FOLLOWING PERSONS MAY BRING AN ACTION IN A COURT
15 OF COMPETENT JURISDICTION TO ENJOIN ANY VIOLATION OF THIS
16 SECTION BY A PUBLIC POSTSECONDARY INSTITUTION, A FACULTY
17 MEMBER OR AN ADMINISTRATOR OR TO RECOVER REASONABLE COURT
18 COSTS AND REASONABLE ATTORNEY FEES:

- 19 1. THE ATTORNEY GENERAL.
- 20 2. A PERSON WHO WAS ADVERSELY AFFECTED BY A VIOLATION
21 OF THIS SECTION.

22 E. IN AN ACTION BROUGHT UNDER SUBSECTION D OF THIS
23 SECTION, IF THE COURT FINDS THAT A VIOLATION OF THIS SECTION
24 OCCURRED, THE COURT SHALL AWARD THE AGGRIEVED PERSON
25 INJUNCTIVE RELIEF FOR THE VIOLATION AND SHALL AWARD REASONABLE
26 ATTORNEY FEES AND COURT COSTS. THE COURT SHALL ALSO AWARD
27 DAMAGES OF \$1,000 OR ACTUAL DAMAGES, WHICHEVER IS GREATER.

28 F. A PERSON SHALL BRING AN ACTION FOR A VIOLATION OF
29 THIS SECTION WITHIN ONE YEAR AFTER THE DATE THE CAUSE OF
30 ACTION ACCRUES. FOR THE PURPOSE OF CALCULATING THE ONE-YEAR
31 LIMITATION PERIOD, EACH DAY THAT THE VIOLATION PERSISTS OR
32 EACH DAY THAT A POLICY IN VIOLATION OF THIS SECTION REMAINS IN
33 EFFECT CONSTITUTES A NEW VIOLATION OF THIS SECTION AND SHALL
34 BE CONSIDERED A DAY THAT THE CAUSE OF ACTION HAS ACCRUED.

35 G. IF AN INDIVIDUAL WHO ALLEGES THAT A PUBLIC
36 POSTSECONDARY INSTITUTION VIOLATED SUBSECTION B, PARAGRAPH 2
37 OF THIS SECTION ESTABLISHES PRIMA FACIE PROOF OF THE VIOLATION
38 USING STATEMENTS, STATISTICAL EVIDENCE, PROJECTIONS OR OTHER
39 EVIDENCE, THE PUBLIC POSTSECONDARY INSTITUTION MUST PROVE BOTH
40 OF THE FOLLOWING:

41 1. THE CHALLENGED FACIALLY NEUTRAL FACTOR OR FACTORS
42 WERE SELECTED SOLELY FOR A LAWFUL PURPOSE.

43 2. THE CHALLENGED FACIALLY NEUTRAL FACTOR OR FACTORS
44 WERE NOT USED FOR THE PURPOSE OF DISCRIMINATING AGAINST OR
45 GRANTING A PREFERENCE TO ANY INDIVIDUAL STUDENT OR GROUP OF

1 PROSPECTIVE STUDENTS ON THE BASIS OF RELIGION, RACE, SEX,
2 COLOR, ETHNICITY, ANCESTRY OR NATIONAL ORIGIN.
3 H. FOR THE PURPOSES OF THIS SECTION:
4 1. "FACIALLY NEUTRAL FACTOR" INCLUDES ANY OF THE
5 FOLLOWING:
6 (a) CAPS, QUOTAS OR TARGET NUMBERS FOR THE NUMBER OF
7 ADMITTED STUDENTS FROM ONE OR MORE REGIONAL SCHOOLS OR FEEDER
8 SCHOOLS.
9 (b) A PROSPECTIVE STUDENT'S ZIP CODE.
10 (c) GEOGRAPHIC OR SOCIOECONOMIC INFORMATION ABOUT A
11 PROSPECTIVE STUDENT.
12 (d) PEER-GROUP CHARACTERISTICS WITHIN ONE OR MORE
13 REGIONAL SCHOOLS, FEEDER SCHOOLS OR ZONED SCHOOLS.
14 2. "PUBLIC POSTSECONDARY INSTITUTION" MEANS EITHER:
15 (a) A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA
16 BOARD OF REGENTS.
17 (b) A COMMUNITY COLLEGE AS DEFINED IN SECTION 15-1401
18 THAT HAS A SELECTIVE ADMISSIONS PROCESS.
19 3. "TRADITIONAL ACADEMIC SUCCESS FACTOR" MEANS ACADEMIC
20 GRADES, ACADEMIC RECORDS, EXTRACURRICULAR ACTIVITIES,
21 ACHIEVEMENTS THAT ARE RELEVANT TO ACADEMIC SUCCESS, ACADEMIC
22 RECOMMENDATIONS BY TEACHERS OR SCHOOL OFFICIALS OR
23 STANDARDIZED TEST SCORES THAT ARE NOT NORMED FOR DIFFERENT
24 DEMOGRAPHIC REFERENCE GROUPS.
25 2. The Secretary of State shall submit this proposition to the
26 voters at the next general election as provided by article IV, part 1,
27 section 1, Constitution of Arizona.