

REFERENCE TITLE: school employees; statements; employer discipline

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2015

Introduced by
Representative Townsend

AN ACT

AMENDING SECTION 15-511, 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 15-511, Arizona Revised Statutes, is amended to
3 read:

4 15-511. Use of school district or charter school resources or
5 employees to influence elections or espouse
6 personal beliefs; prohibition; civil penalty;
7 definitions

8 A. A person acting on behalf of a school district or a person who
9 aids another person acting on behalf of a school district shall not spend
10 or use school district or charter school resources, including the use or
11 expenditure of monies, accounts, credit, facilities, vehicles, postage,
12 telecommunications, computer hardware and software, web pages, personnel,
13 equipment, materials, buildings or any other thing of value of the school
14 district or charter school, for the purpose of influencing the outcomes of
15 elections. **A PERSON ACTING ON BEHALF OF A SCHOOL DISTRICT OR A PERSON WHO**
16 **AIDS ANOTHER PERSON ACTING ON BEHALF OF A SCHOOL DISTRICT MAY NOT USE**
17 **SCHOOL TIME TO ESPOUSE A POLITICAL IDEOLOGY OR RELIGIOUS BELIEF, UNLESS IT**
18 **IS GERMANE TO THE SUBJECT MATTER OF THE CLASS OR ACTIVITY. THE PENALTIES**
19 **PRESCRIBED IN THIS SECTION AGAINST SCHOOL DISTRICTS AND CHARTER SCHOOLS**
20 **APPLY TO EACH VIOLATION OF THIS SUBSECTION. IN ADDITION TO THE OTHER**
21 **PENALTIES PRESCRIBED IN THIS SECTION, A PERSON WHO VIOLATES THIS**
22 **SUBSECTION IS SUBJECT TO DISCIPLINE, INCLUDING TERMINATION OF EMPLOYMENT.**
23 Notwithstanding this section, a school district may distribute
24 informational pamphlets on a proposed budget override election as provided
25 in section 15-481, subsections B and C or informational pamphlets on a
26 proposed bond election as provided in section 15-491, subsection D if
27 those informational pamphlets present factual information in a neutral
28 manner, except for those arguments presented as prescribed in section
29 15-481, subsection B, paragraph 9. ~~Nothing in~~ This section ~~precludes~~ **DOES**
30 **NOT PROHIBIT** a school district from reporting on official actions of the
31 governing board.

32 B. The prohibition on ~~the use of~~ **USING** public resources to
33 influence the outcome of bond, budget override and other tax-related
34 elections includes the use of school district-focused promotional
35 expenditures that occur after an election is called and through election
36 day. This prohibition does not include routine school district
37 communications.

38 C. This section does not prohibit ~~the use of~~ **USING** school district
39 or charter school resources, including facilities and equipment, for
40 government-sponsored forums or debates if the government sponsor remains
41 impartial and the events are purely informational and provide an equal
42 opportunity to all viewpoints. The rental and use of a public facility by
43 a private person or entity that may lawfully attempt to influence the
44 outcome of an election is permitted if it does not occur at the same time
45 and place as a government-sponsored forum or debate.

1 D. An employee of a school district or charter school who is acting
2 as an agent of or working in an official capacity for the school district
3 or charter school may not give pupils written materials to influence the
4 outcome of an election or to advocate support for or opposition to pending
5 or proposed legislation.

6 E. Employees of a school district or charter school may not use the
7 authority of their positions to influence the vote or political activities
8 of any subordinate employee.

9 F. Notwithstanding section 15-342, paragraph 8, a school district
10 shall not spend monies for membership in an association that attempts to
11 influence the outcome of an election.

12 G. This section does not deny the civil and political liberties of
13 any person as guaranteed by the United States and Arizona Constitutions.

14 H. The attorney general shall publish and distribute to school
15 districts and charter schools a detailed guideline regarding activities
16 THAT ARE prohibited under this section. The attorney general may
17 distribute these guidelines through a website or electronically.

18 I. A PARENT OF A CHILD WHO IS ENROLLED AT A SCHOOL THAT IS PART OF
19 A SCHOOL DISTRICT, the attorney general or the county attorney for the
20 county in which an alleged violation of this section occurred may initiate
21 a suit in the superior court in the county in which the school district or
22 charter school is located for the purpose of complying with this section.

23 J. For each violation of this section, the court may impose a civil
24 penalty not to exceed ~~five thousand dollars~~ \$5,000 plus any amount of
25 misused ~~funds~~ MONIES subtracted from the school district budget against a
26 person who knowingly violates or a person who knowingly aids another
27 person in violating this section. The person determined to be out of
28 compliance with this section ~~shall be~~ IS responsible for ~~the payment of~~
29 PAYING all penalties and misused ~~funds~~ MONIES. School district ~~funds~~
30 MONIES or insurance payments shall not be used to pay these penalties or
31 misused ~~funds~~ MONIES. All misused ~~funds~~ MONIES collected pursuant to this
32 section shall be returned to the school district or charter school whose
33 ~~funds~~ MONIES were misused.

34 K. An attorney acting on behalf of a public school may request a
35 legal opinion of the county attorney or attorney general as to whether a
36 proposed use of school district resources would violate this section.

37 L. All penalties collected by the court for a suit initiated in
38 superior court PURSUANT TO THIS SECTION:

39 1. By the attorney general shall be paid to the office of the
40 attorney general for the use and reimbursement of costs of prosecution
41 pursuant to this section. ~~All penalties collected by the court for a suit~~
42 ~~initiated in superior court~~

43 2. By a county attorney shall be paid to the county treasurer of
44 the county in which the court is held for the use and reimbursement of
45 costs of prosecution ~~pursuant to this section.~~

1 3. BY A PARENT SHALL BE TRANSFERRED TO THE STATE TREASURER FOR
2 DEPOSIT IN THE STATE GENERAL FUND.

3 M. For the purposes of this section:

4 1. "Government-sponsored forum or debate" means any event, ~~or part~~
5 of an event or meeting, ~~in which the government is an official sponsor,~~
6 ~~which~~ THAT is open to the public or to invited members of the public, ~~and~~
7 whose purpose is to inform the public about an issue or proposition that
8 is before the voters.

9 2. "Influencing the outcomes of elections" means supporting or
10 opposing a candidate for nomination or election to public office or the
11 recall of a public officer or supporting or opposing a ballot measure,
12 question or proposition, including any bond, budget or override election
13 and supporting or opposing the circulation of a petition for the recall of
14 a public officer or a petition for a ballot measure, question or
15 proposition in any manner that is not impartial or neutral.

16 3. "Misused ~~funds~~ MONIES" means school district monies or resources
17 THAT ARE used unlawfully pursuant to this section.

18 4. "Routine school district communications" means messages or
19 advertisements that are germane to the functions of the school district
20 and that maintain the frequency, scope and distribution consistent with
21 past practices or THAT are necessary for public safety.