

**CORRECTED**

House Engrossed Senate Bill

~~county transportation planning assistant~~  
(now: impeding school operations; civil liability)

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

**SENATE BILL 1532**

AN ACT

AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 15-717.02; AMENDING SECTION 35-212, ARIZONA REVISED  
STATUTES; RELATING TO PUBLIC MONIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 7, article 1, Arizona Revised  
3 Statutes, is amended by adding section 15-717.02, to read:

4 15-717.02. Controversial issues of public policy or social  
5 affairs; prohibition; discussion; coursework;  
6 legal action; civil penalty; misused monies

7 A. A SCHOOL DISTRICT, CHARTER SCHOOL OR STATE AGENCY MAY NOT  
8 REQUIRE A TEACHER, ANOTHER EMPLOYEE OR A VISITOR TO DISCUSS CONTROVERSIAL  
9 ISSUES OF PUBLIC POLICY OR SOCIAL AFFAIRS THAT ARE NOT ESSENTIAL TO THE  
10 COURSE LEARNING OBJECTIVES. ACCURATE PORTRAYALS OF HISTORICAL EVENTS,  
11 LESSONS ON RECOGNIZING AND REPORTING ABUSE AND SEX EDUCATION ARE NOT  
12 CONTROVERSIAL FOR THE PURPOSES OF THIS SECTION.

13 B. IF A TEACHER CHOOSES TO DISCUSS CONTROVERSIAL ISSUES OF PUBLIC  
14 POLICY OR SOCIAL AFFAIRS, THE TEACHER, TO THE BEST OF THE TEACHER'S  
15 ABILITY, SHALL PRESENT THESE ISSUES FROM DIVERSE AND CONTENDING  
16 PERSPECTIVES WITHOUT GIVING DEFERENCE TO ANY ONE PERSPECTIVE.

17 C. A SCHOOL DISTRICT, CHARTER SCHOOL OR STATE AGENCY MAY NOT ALLOW  
18 A TEACHER OR EMPLOYEE TO REQUIRE OR MAKE PART OF A COURSE STUDENT WORK FOR  
19 OR IN AFFILIATION WITH OR SERVICE LEARNING THAT INVOLVES THE STUDENT BEING  
20 ENGAGED IN LOBBYING FOR LEGISLATION AT THE LOCAL, STATE OR FEDERAL LEVEL  
21 OR IN SOCIAL OR PUBLIC POLICY ADVOCACY. THIS PROHIBITION DOES NOT APPLY  
22 TO EXTRA CREDIT WORK OR ACADEMIC CREDIT FOR AN INTERNSHIP OR WORK  
23 EXPERIENCE. ANY CREDIT AWARDED PURSUANT TO THIS SUBSECTION MAY NOT BE  
24 INFLUENCED IN ANY WAY BY THE PUBLIC POLICY ISSUE CHOSEN BY THE STUDENT.

25 D. A SCHOOL DISTRICT, CHARTER SCHOOL OR STATE AGENCY MAY NOT  
26 REQUIRE A TEACHER, ADMINISTRATOR OR OTHER EMPLOYEE OF A SCHOOL DISTRICT OR  
27 CHARTER SCHOOL TO ENGAGE IN TRAINING, ORIENTATION OR THERAPY THAT PRESENTS  
28 ANY FORM OF BLAME OR JUDGMENT ON THE BASIS OF RACE, ETHNICITY OR SEX. THIS  
29 SUBSECTION DOES NOT PRECLUDE ANY TRAINING ON SEXUAL HARASSMENT.

30 E. A TEACHER, ADMINISTRATOR OR OTHER EMPLOYEE OF A SCHOOL DISTRICT,  
31 CHARTER SCHOOL OR STATE AGENCY MAY NOT REQUIRE INSTRUCTION IN OR MAKE PART  
32 OF A COURSE THE FOLLOWING CONCEPTS:

33 1. ONE RACE, ETHNIC GROUP OR SEX IS INHERENTLY MORALLY OR  
34 INTELLECTUALLY SUPERIOR TO ANOTHER RACE, ETHNIC GROUP OR SEX.

35 2. AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE, ETHNICITY OR  
36 SEX, IS INHERENTLY RACIST, SEXIST OR OPPRESSIVE, WHETHER CONSCIOUSLY OR  
37 UNCONSCIOUSLY.

38 3. AN INDIVIDUAL SHOULD BE INVIDIOUSLY DISCRIMINATED AGAINST OR  
39 RECEIVE ADVERSE TREATMENT SOLELY OR PARTLY BECAUSE OF THE INDIVIDUAL'S  
40 RACE, ETHNICITY OR SEX.

41 4. AN INDIVIDUAL'S MORAL CHARACTER IS DETERMINED BY THE  
42 INDIVIDUAL'S RACE, ETHNICITY OR SEX.

1           5. AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE, ETHNICITY OR  
2 SEX, BEARS RESPONSIBILITY FOR ACTIONS COMMITTED BY OTHER MEMBERS OF THE  
3 SAME RACE, ETHNIC GROUP OR SEX.

4           6. AN INDIVIDUAL SHOULD FEEL DISCOMFORT, GUILT, ANGUISH OR ANY  
5 OTHER FORM OF PSYCHOLOGICAL DISTRESS BECAUSE OF THE INDIVIDUAL'S RACE,  
6 ETHNICITY OR SEX.

7           7. ACADEMIC ACHIEVEMENT, MERITOCRACY OR TRAITS SUCH AS A HARD WORK  
8 ETHIC ARE RACIST OR SEXIST OR WERE CREATED BY MEMBERS OF A PARTICULAR  
9 RACE, ETHNIC GROUP OR SEX TO OPPRESS MEMBERS OF ANOTHER RACE, ETHNIC GROUP  
10 OR SEX.

11           F. AN ATTORNEY ACTING ON BEHALF OF A PUBLIC SCHOOL MAY REQUEST A  
12 LEGAL OPINION OF THE COUNTY ATTORNEY OR ATTORNEY GENERAL AS TO WHETHER A  
13 PROPOSED USE OF SCHOOL DISTRICT RESOURCES WOULD VIOLATE THIS SECTION OR  
14 SECTION 35-212.

15           G. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN  
16 WHICH AN ALLEGED VIOLATION OF THIS SECTION OCCURS MAY INITIATE A SUIT IN  
17 THE SUPERIOR COURT IN THE COUNTY IN WHICH THE SCHOOL DISTRICT OR CHARTER  
18 SCHOOL IS LOCATED FOR THE PURPOSE OF COMPLYING WITH THIS SECTION.

19           H. FOR EACH VIOLATION OF THIS SECTION, THE COURT MAY IMPOSE A CIVIL  
20 PENALTY NOT TO EXCEED \$5,000 PER PERSON PLUS ANY AMOUNT OF MISUSED MONIES  
21 FROM THE SCHOOL DISTRICT, CHARTER SCHOOL OR STATE AGENCY BUDGET AGAINST A  
22 PERSON WHO KNOWINGLY VIOLATES OR WHO KNOWINGLY AIDS ANOTHER PERSON IN  
23 VIOLATING THIS SECTION. THE PERSON DETERMINED TO BE OUT OF COMPLIANCE  
24 WITH THIS SECTION IS RESPONSIBLE FOR PAYING ALL CIVIL PENALTIES AND  
25 MISUSED MONIES. IF A CURRICULUM IS ADOPTED THAT VIOLATES THIS SECTION,  
26 ANY PERSON WHO IS RESPONSIBLE FOR ADOPTING THE CURRICULUM IS RESPONSIBLE  
27 FOR PAYING ALL CIVIL PENALTIES AND MISUSED MONIES. SCHOOL DISTRICT MONIES  
28 OR INSURANCE PAYMENTS MAY NOT BE USED TO PAY THESE CIVIL PENALTIES OR  
29 MISUSED MONIES.

30           I. ALL MISUSED MONIES COLLECTED PURSUANT TO THIS SECTION SHALL BE  
31 RETURNED TO THE SCHOOL DISTRICT OR CHARTER SCHOOL WHOSE MONIES WERE  
32 MISUSED. ALL CIVIL PENALTIES COLLECTED BY THE COURT FOR A SUIT INITIATED  
33 IN SUPERIOR COURT BY THE ATTORNEY GENERAL SHALL BE PAID TO THE OFFICE OF  
34 THE ATTORNEY GENERAL FOR THE USE AND REIMBURSEMENT OF COSTS OF PROSECUTION  
35 PURSUANT TO THIS SECTION. ALL CIVIL PENALTIES COLLECTED BY THE COURT FOR A  
36 SUIT INITIATED IN SUPERIOR COURT BY A COUNTY ATTORNEY SHALL BE PAID TO THE  
37 COUNTY TREASURER OF THE COUNTY IN WHICH THE COURT IS HELD FOR THE USE AND  
38 REIMBURSEMENT OF COSTS OF PROSECUTION PURSUANT TO THIS SECTION.

39           Sec. 2. Section 35-212, Arizona Revised Statutes, is amended to  
40 read:

41           35-212. Injunctive and civil remedies; time limit; definition

42           A. The attorney general in the attorney general's discretion may  
43 bring an action in the name of ~~the~~ THIS state to:

1           1. Enjoin the illegal payment of public monies, including  
2 violations of section 11-952 and title 41, chapter 23.

3           2. Recover illegally paid public monies plus twenty percent of that  
4 amount together with interest and costs, including reasonable attorney  
5 fees, to be paid to the state treasurer or other appropriate  
6 official, or, in the case of public monies of a political subdivision  
7 that did not originate or were not received from this state, to the  
8 political subdivision, to the credit of the fund from which the payment  
9 was made.

10          B. The attorney general may bring an action to recover illegally  
11 paid public monies against:

12           1. Any person who received the illegal payment.

13           2. The public body or the public officer acting in the officer's  
14 official capacity who ordered or caused the illegal payment or has  
15 supervisory authority over the person that ordered or caused the illegal  
16 payment.

17           3. The public official, employee or agent who ordered or caused the  
18 illegal payment, including a payment ordered or caused to be made without  
19 authorization of law.

20           4. THE PUBLIC OFFICIAL, EMPLOYEE OR AGENT OF THIS STATE, A  
21 POLITICAL SUBDIVISION OF THIS STATE OR A BUDGET UNIT WHO KNOWINGLY USES  
22 PUBLIC MONIES OR OTHER PUBLIC RESOURCES, INCLUDING EMAIL, EQUIPMENT OR  
23 COMPENSATED WORK TIME, TO ORGANIZE, PLAN OR EXECUTE ANY ACTIVITY THAT  
24 IMPEDES OR PREVENTS A PUBLIC SCHOOL FROM OPERATING FOR ANY PERIOD OF TIME,  
25 UNLESS THE PUBLIC OFFICIAL, EMPLOYEE OR AGENT IS ACTING IN GOOD FAITH AND  
26 IN FURTHERANCE OF THE OFFICIAL'S, EMPLOYEE'S OR AGENT'S OFFICIAL DUTIES.

27           5. THE TEACHER, ADMINISTRATOR OR OTHER EMPLOYEE OF A SCHOOL  
28 DISTRICT OR CHARTER SCHOOL OR THE STATE EMPLOYEE WHOSE VIOLATION OF  
29 SECTION 15-717.02 RESULTED IN AN ILLEGAL USE OF PUBLIC MONIES.

30          C. A public official, employee or agent of this state, a political  
31 subdivision of this state or a budget unit who is charged with collecting,  
32 receiving, safekeeping, transferring or disbursing public monies may be  
33 held personally liable for an illegal payment of public monies, including  
34 payment made without authorization of law.

35          D. A public official, employee or agent of this state, a political  
36 subdivision of this state or a budget unit who is responsible for  
37 disbursing, collecting, receiving, safekeeping or transferring public  
38 monies pursuant to a warrant, check or substitute check, electronic funds  
39 transfer voucher or other form of claim that does not originate from the  
40 public official, employee or agent making the disbursement may not be held  
41 personally liable for illegal payments made pursuant to such warrants,  
42 checks or substitute checks, electronic funds transfer vouchers or other  
43 claims unless the public official, employee or agent knew or should have  
44 known that a warrant, check or substitute check, electronic funds transfer

1 voucher or other claim would result in an illegal payment of public  
2 monies.

3 E. An action brought pursuant to this article is subject to title  
4 12, chapter 7, article 2. If the action is brought by the attorney  
5 general, the action must be brought within five years after the date an  
6 illegal payment was ordered and section 12-821.01 does not apply to the  
7 action.

8 F. For the purposes of this section, "public monies" includes all  
9 monies coming into the lawful possession, custody or control of budget  
10 units, state agencies, boards, commissions or departments or a state  
11 officer, employee or agent in an official capacity, and all monies coming  
12 into the lawful possession, custody or control of a tax-supported  
13 political subdivision or an officer, employee or agent of a tax-supported  
14 political subdivision in an official capacity irrespective of the source  
15 from which, or the manner in which, the monies are received.