



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

Senate: TAT DP 8-0-1-0 | 3rd Read 29-1-0-0
House: TRANS DPA/SE 7-4-1-0

SB 1532: ~~county transportation planning assistant~~

NOW: impending school operations; civil liability

Sponsor: Senator Livingston, LD 22

House Engrossed

Overview

Outlines restrictions and penalties relating to the inclusion of controversial issues of public policy and social affairs within coursework. Expands the ability of the Attorney General (AG) to bring an action to recover the misuse of public monies.

History

Pursuant to [A.R.S. § 35-212](#), the AG, in the AG's discretion, may bring an action in the name of Arizona to:

- 1) Enjoin the illegal payment of public monies; and
- 2) Recover illegally paid public monies plus 20 percent of that amount together with interest and costs, including reasonable attorney fees, to be paid to the State Treasurer or other appropriate official or in the case of public monies of a political subdivision that did not originate or were not received from Arizona, to the political subdivision, to the credit of the fund from which the payment was made.

The AG may bring an action to recover illegally paid public monies against:

- 1) Any person who received the illegal payment;
- 2) The public body or the public officer acting in the officer's official capacity who ordered or caused the illegal payment or has supervisory authority over the person that ordered the illegal payment; and
- 3) The public official, employee or agent who ordered or caused the illegal payment, including a payment ordered or caused to be made without authorization of law.

[A.R.S. 15-112](#) outlines courses that are prohibited and may not be taught.

Provisions

Controversial Issues of Public Policy or Social Affairs (Sec. 1)

1. Prohibits a school district, charter school or state agency (entity) from requiring a teacher, employee or a visitor to discuss controversial issues of public policy or social affairs that are not essential to course learning objectives.
2. States that accurate portrayals of historical events, lessons on recognizing and reporting abuse and sex education are not controversial issues.
3. Requires a teacher to present issues from diverse and contending perspectives without giving deference to any one perspective, if the teacher chooses to discuss controversial issues.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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4. Prevents a teacher or employee from requiring or making part of a course or in affiliation with or service learning that involves the student being engaged in lobbying for legislation at the local, state, or federal level or in social or public policy advocacy.
5. Specifies that involvement in lobbying or advocacy does not apply to extra credit work or academic credit for an internship or work experience.
6. Prohibits any awarded credit from being influenced by the public policy issue chosen by the student.
7. Provides that an entity may not require a teacher, administrator or employee to engage in training, orientation or therapy that presents any form of blame or judgement on the basis of race, ethnicity or sex, not precluding sexual harassment training.
8. Stipulates that a teacher, administrator, employee or state agency may not require instruction in or make part of a course with the following concepts:
 - a) One race, ethnic group or sex is inherently morally or intellectually superior to another race, ethnic group or sex;
 - b) An individual, by virtue of the individual's race, ethnicity or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously;
 - c) An individual should be invidiously discriminated against or receive adverse treatment solely or partly because of the individual's race, ethnicity or sex;
 - d) An individual's moral character is determined by the individual's race, ethnicity or sex;
 - e) An individual by virtue of the individual's race, ethnicity or sex, bears responsibility for actions committed by other members of the same race, ethnic group or sex;
 - f) An individual should feel discomfort, guilt anguish or any other form of psychological distress because of the individual's race, ethnicity or sex; and
 - g) Academic achievement, meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of one particular race, ethnic group or sex to oppress members of another.
9. Allows an attorney acting on behalf of a public school to request a legal opinion of the county attorney or AG as to whether a proposed use of school district resources would violate the prohibition on controversial issues or outlined misuse of public monies.
10. Allows the AG or the appropriate county attorney to initiate a suit in county superior court for an alleged violation of the prohibition on controversial issues.
11. Allows the court, for each violation, to impose a civil penalty of not more than \$5,000 per person, plus any amount of misused monies from the entity budget, against a person who knowingly violates or aids the violation of the prohibition on controversial issues.
12. States that any person who is responsible for adopting curriculum in violation of the prohibition on controversial issues is responsible for paying all civil penalties and misuse of monies.
13. Prohibits school district monies or insurance payments from being used to pay these civil penalties or misused monies.
14. Requires all collected misused monies to be returned to the school district or charter school whose monies were misused.
15. Requires all civil penalties collected by the superior court for a suit initiated by the AG to be paid to the office of the AG for the use and reimbursement of costs of prosecution.
16. Requires all civil penalties collected by the superior court for a suit initiated by a county attorney to be paid to the county treasurer for use and reimbursement of costs of prosecution.

Civil Liability for Misuse of Public Monies (Sec. 2)

17. Allows the AG to bring an action to recover monies against the public official, employee or agent of Arizona, a political subdivision or budget unit who knowingly uses public monies or other public resources, including email, equipment or compensated work time, to organize, plan or execute any activity that impedes or prevents a public school from operating for any period of time.
18. Provides an exemption if the public official, employee or agent is acting in good faith and in furtherance of the official's, employee's or agent's official duties.
19. Allows the AG to bring an action to recover monies against a teacher, administrator, employee of a school district or charter school or state employee whose violation of the prohibition of controversial issue resulted in an illegal use of public monies.
20. Makes technical changes.