1. Modifies the prohibition on specified instruction by prohibiting an employee of a public educational institution who is acting in the course of their official duties or an individual or organization that is invited to a public educational institution from providing instruction to students or employees that promotes or advocates for:
   a) Blame or judgment on the basis of race or ethnicity;
   b) That one race or ethnic group is inherently morally or intellectually superior to another race or ethnic group;
   c) That an individual, by virtue of their race or ethnicity, is inherently racist or oppressive;
   d) That an individual should be invidiously discriminated against or receive adverse treatment because of their race or ethnicity;
   e) That an individual's moral character is determined by their race or ethnicity;
   f) That an individual, by virtue of their race or ethnicity, bears responsibility for actions committed by other members of the same race or ethnic group; and
   g) That academic achievement, meritocracy or other traits are racist or were created by members of a particular race or ethnic group to oppress members of another race or ethnic group.

2. Authorizes a student, employee or student's parent to file a complaint with a designated administrator of the public educational institution regarding an alleged violation of the prohibition on specified instruction.

3. Limits an individual from filing more than one complaint in any 30-day period and allows a complaint to identify multiple violations.

4. Requires the designated administrator to determine whether a violation occurred and, if a violation occurred, act to resolve the complaint.

5. Specifies the individuals who are to be designated administrators for a school district, school operated by a school district or charter school.

6. Permits a student, employee or a student's parent to appeal a determination made or an action taken by a designated administrator by filing a complaint with the specified governing entity of the public educational institution.

7. Instructs the governing entity of a public educational institution to schedule a hearing to determine whether the violation occurred and, if a violation occurred, act to resolve the complaint within 30 days of receipt of the complaint.
8. Requires a decision made by a governing entity to include an explanation of the decision.

9. Allows a student, employee or student's parent seeking to appeal a determination made or action taken by a designated administrator of specified public educational institutions or governing entities to file a claim in superior court to comply with the prohibition on specified instruction.

10. Changes the penalty for a violation of the prohibition on specified instruction by allowing the court to impose a civil penalty of, at most, $5,000 per day on the public educational institution for each day that a person violates the prohibition on specified instruction.

11. Declares the court may not impose a civil penalty on the public educational institution if a legal opinion from the Attorney General or county attorney concludes that the action that is subject of the violation would not violate the prohibition on specified instruction.

12. States the prohibition on specified instruction does not prevent an employee of a public educational institution or an individual or organization that is invited to a public educational institution to provide instruction to students or teachers from identifying and discussing historical movements, ideologies or instances of racial hatred or discrimination.

13. Applies the prohibition on specified instruction to employees of postsecondary institutions or to organizations or individuals invited to postsecondary institutions only when the employee, organization or individual is providing instruction to students as part of a course or activity that is specific to and required for a teacher preparation program.

14. Excludes, from the prohibition on specified instruction, employees of postsecondary institutions or to organizations or individuals invited to postsecondary institutions when the employee, organization or individual is providing instruction to students for:
   a) A general studies requirement; or
   b) An elective course or any other course or activity that is not specific to and required for a teacher preparation program.

15. Defines instruction to include:
   a) Educational activities;
   b) Training; and
   c) Instruction that is part of a teacher preparation program, continuing education or professional development.

16. Defines public educational institution to mean:
   a) A school district;
   b) A school that is operated by a school district;
   c) A charter school;
   d) The Arizona Department of Education;
   e) The State Board of Education;
   f) The Arizona State Schools for the Deaf and the Blind;
   g) The Arizona State Board for Charter Schools;
   h) A university under the jurisdiction of the Arizona Board of Regents;
   i) A community college district; and
   j) A community college.

17. Defines community college, community college district and postsecondary institution.
UDALL FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1412

(Reference to APPROPRIATIONS Committee amendment)

1 Page 1, line 12, after the first semicolon insert "legal opinions;"
2 Line 13, strike "definition" insert "applicability; definitions"
3 Strike lines 14 through 25
4 Page 2, strike lines 1 through 17, insert:

"A. AN EMPLOYEE OF A PUBLIC EDUCATIONAL INSTITUTION WHO IS ACTING IN
THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES OR AN INDIVIDUAL OR
ORGANIZATION THAT IS INVITED TO A PUBLIC EDUCATIONAL INSTITUTION MAY NOT
PROVIDE INSTRUCTION TO STUDENTS OR EMPLOYEES THAT PROMOTES OR ADVOCATES FOR
ANY OF THE FOLLOWING CONCEPTS:
1. BLAME OR JUDGMENT ON THE BASIS OF RACE OR ETHNICITY.
2. THAT ONE RACE OR ETHNIC GROUP IS INHERENTLY MORALLY OR
INTELLECTUALLY SUPERIOR TO ANOTHER RACE OR ETHNIC GROUP.
3. THAT AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE OR
ETHNICITY, IS INHERENTLY RACIST OR OPPRESSIVE, WHETHER CONSCIOUSLY OR
UNCONSCIOUSLY.
4. THAT AN INDIVIDUAL SHOULD BE INVIDIOUSLY DISCRIMINATED AGAINST OR
RECEIVE ADVERSE TREATMENT SOLELY OR PARTLY BECAUSE OF THE INDIVIDUAL'S RACE
OR ETHNICITY.
5. THAT AN INDIVIDUAL'S MORAL CHARACTER IS DETERMINED BY THE
INDIVIDUAL'S RACE OR ETHNICITY.
6. THAT AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE OR
ETHNICITY, BEARS RESPONSIBILITY FOR ACTIONS COMMITTED BY OTHER MEMBERS OF
THE SAME RACE OR ETHNIC GROUP."
7. THAT ACADEMIC ACHIEVEMENT, MERITOCRACY OR TRAITS SUCH AS A HARD WORK ETHIC ARE RACIST OR WERE CREATED BY MEMBERS OF A PARTICULAR RACE OR ETHNIC GROUP TO OPPRESS MEMBERS OF ANOTHER RACE OR ETHNIC GROUP."

Reletter to conform

Page 2, line 18, strike "SCHOOL" insert "EDUCATIONAL INSTITUTION"
Line 20, strike "AN ALLEGED VIOLATION OF THIS SECTION OCCURS" insert "THE PUBLIC EDUCATIONAL INSTITUTION IS LOCATED"
Line 21, strike "USE OF SCHOOL DISTRICT RESOURCES" insert "ACTION"
Between lines 24 and 25, insert:

"D. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT OF A PUBLIC EDUCATIONAL INSTITUTION MAY FILE A COMPLAINT WITH AN APPROPRIATE ADMINISTRATOR DESIGNATED BY THE PUBLIC EDUCATIONAL INSTITUTION REGARDING AN ALLEGED VIOLATION OF THIS SECTION IF THE STUDENT, EMPLOYEE OR PARENT'S CHILD WHO IS A STUDENT ALLEGEDLY RECEIVES INSTRUCTION IN VIOLATION OF SUBSECTION A OF THIS SECTION. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT OF A PUBLIC EDUCATIONAL INSTITUTION MAY NOT FILE MORE THAN ONE COMPLAINT OF AN ALLEGED VIOLATION UNDER THIS SUBSECTION IN ANY THIRTY-DAY PERIOD. A COMPLAINT MAY IDENTIFY MULTIPLE VIOLATIONS OF THIS SECTION. THE DESIGNATED ADMINISTRATOR SHALL DETERMINE WHETHER THE VIOLATION OCCURRED AND, IF A VIOLATION OCCURRED, ACT TO RESOLVE THE COMPLAINT. FOR THE PURPOSES OF THIS SUBSECTION, THE DESIGNATED ADMINISTRATOR OF:" 

1. A SCHOOL DISTRICT OR A SCHOOL OPERATED BY A SCHOOL DISTRICT IS THE SCHOOL DISTRICT SUPERINTENDENT.

2. A CHARTER SCHOOL IS THE CHARTER SCHOOL OPERATOR.

E. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT MAY APPEAL A DETERMINATION MADE OR ACTION TAKEN UNDER SUBSECTION D OF THIS SECTION BY A SCHOOL DISTRICT SUPERINTENDENT, CHARTER SCHOOL OPERATOR OR DESIGNATED ADMINISTRATOR OF A POSTSECONDARY INSTITUTION BY FILING A COMPLAINT WITH THE SCHOOL DISTRICT GOVERNING BOARD, CHARTER SCHOOL GOVERNING BODY, ARIZONA BOARD OF REGENTS OR COMMUNITY COLLEGE DISTRICT GOVERNING BOARD, AS APPLICABLE. THE SCHOOL DISTRICT GOVERNING BOARD, CHARTER SCHOOL GOVERNING BODY, ARIZONA BOARD OF REGENTS OR COMMUNITY COLLEGE DISTRICT GOVERNING BOARD, AS APPLICABLE. THE SCHOOL DISTRICT GOVERNING BOARD, CHARTER SCHOOL GOVERNING BODY, ARIZONA BOARD OF REGENTS OR COMMUNITY COLLEGE DISTRICT GOVERNING BOARD, AS APPLICABLE.
BOARD SHALL SCHEDULE A HEARING TO DETERMINE WHETHER THE VIOLATION OCCURRED AND, IF A VIOLATION OCCURRED, ACT TO RESOLVE THE COMPLAINT WITHIN THIRTY DAYS AFTER RECEIVING THE COMPLAINT. ANY DECISION MADE UNDER THIS SUBSECTION MUST INCLUDE AN EXPLANATION OF THE DECISION.

F. EITHER OF THE FOLLOWING MAY FILE A CLAIM IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE PUBLIC EDUCATIONAL INSTITUTION IS LOCATED FOR THE PURPOSES OF COMPLYING WITH THIS SECTION:

1. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT SEEKING TO APPEAL A DETERMINATION MADE OR ACTION TAKEN UNDER SUBSECTION D OF THIS SECTION BY A DESIGNATED ADMINISTRATOR OF A PUBLIC EDUCATIONAL INSTITUTION OTHER THAN A SCHOOL DISTRICT, PUBLIC SCHOOL OR POSTSECONDARY INSTITUTION.

2. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT SEEKING TO APPEAL THE DETERMINATION MADE OR ACTION TAKEN UNDER SUBSECTION E OF THIS SECTION BY A SCHOOL DISTRICT GOVERNING BOARD, A CHARTER SCHOOL GOVERNING BODY, THE ARIZONA BOARD OF REGENTS OR A COMMUNITY COLLEGE DISTRICT GOVERNING BOARD."

Reletter to conform

Page 2, line 27, strike "SCHOOL DISTRICT, CHARTER"

Line 28, strike "SCHOOL OR STATE AGENCY" insert "PUBLIC EDUCATIONAL INSTITUTION"

Page 3, line 1, strike "VIOLATION OF" insert "DAY THAT A PERSON VIOLATES"; after

the comma strike remainder of line

Line 2, strike "CONTINUED VIOLATIONS."

Line 3, strike "SCHOOL DISTRICT, CHARTER SCHOOL OR STATE AGENCY" insert "DAY ON THE PUBLIC EDUCATIONAL INSTITUTION"

Line 4, after "OCCURS" insert "UNLESS THE PUBLIC EDUCATIONAL INSTITUTION RECEIVED A LEGAL OPINION FROM THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY UNDER SUBSECTION B OF THIS SECTION THAT CONCLUDED THAT THE ACTION THAT IS THE SUBJECT OF THE VIOLATION WOULD NOT VIOLATE THIS SECTION"

Strike lines 5 through 13, insert:

"I. THIS SECTION DOES NOT PREVENT AN EMPLOYEE OF A PUBLIC EDUCATIONAL INSTITUTION OR AN INDIVIDUAL OR ORGANIZATION THAT IS INVITED TO A PUBLIC EDUCATIONAL INSTITUTION TO PROVIDE INSTRUCTION TO STUDENTS OR"
TEACHERS FROM IDENTIFYING AND DISCUSSING HISTORICAL MOVEMENTS, IDEOLOGIES OR INSTANCES OF RACIAL HATRED OR DISCRIMINATION, INCLUDING, BUT NOT LIMITED TO, SLAVERY, INDIAN REMOVAL, THE HOLOCAUST OR JAPANESE-AMERICAN INTERNMENT.

J. NOTWITHSTANDING SUBSECTIONS A THROUGH I OF THIS SECTION:

1. THIS SECTION APPLIES TO EMPLOYEES OF POSTSECONDARY INSTITUTIONS OR TO ORGANIZATIONS OR INDIVIDUALS INVITED TO POSTSECONDARY INSTITUTIONS ONLY WHEN THE EMPLOYEE, ORGANIZATION OR INDIVIDUAL IS PROVIDING INSTRUCTION TO STUDENTS AS PART OF A COURSE OR ACTIVITY THAT IS SPECIFIC TO AND REQUIRED FOR A TEACHER PREPARATION PROGRAM.

2. THIS SECTION DOES NOT APPLY TO EMPLOYEES OF POSTSECONDARY INSTITUTIONS OR TO ORGANIZATIONS OR INDIVIDUALS INVITED TO POSTSECONDARY INSTITUTIONS WHEN THE EMPLOYEE, ORGANIZATION OR INDIVIDUAL IS PROVIDING INSTRUCTION TO STUDENTS FOR EITHER OF THE FOLLOWING:
   (a) A GENERAL STUDIES REQUIREMENT.
   (b) AN ELECTIVE COURSE OR ANY OTHER COURSE OR ACTIVITY THAT IS NOT SPECIFIC TO AND REQUIRED FOR A TEACHER PREPARATION PROGRAM.

K. FOR THE PURPOSES OF THIS SECTION:

1. "COMMUNITY COLLEGE" HAS THE SAME MEANING PRESCRIBED IN SECTION 15-1401.

2. "COMMUNITY COLLEGE DISTRICT" MEANS DISTRICT AS DEFINED IN SECTION 15-1401.

3. "INSTRUCTION" INCLUDES ANY OF THE FOLLOWING:
   (a) EDUCATIONAL ACTIVITIES.
   (b) TRAINING.
   (c) INSTRUCTION THAT IS PART OF A TEACHER PREPARATION PROGRAM, CONTINUING EDUCATION OR PROFESSIONAL DEVELOPMENT.

4. "POSTSECONDARY INSTITUTION" MEANS A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS, A COMMUNITY COLLEGE DISTRICT OR A COMMUNITY COLLEGE.

5. "PUBLIC EDUCATIONAL INSTITUTION" MEANS ANY OF THE FOLLOWING:
   (a) A SCHOOL DISTRICT.
   (b) A SCHOOL THAT IS OPERATED BY A SCHOOL DISTRICT.
Amend title to conform