



**ARIZONA STATE SENATE**  
*Fifty-Fifth Legislature, Second Regular Session*

**AMENDED**  
FACT SHEET FOR S.B. 1412

~~baccalaureate degrees; substitute certificates~~  
(NOW: race; ethnicity; sex; classroom instruction)

As passed by the Senate, S.B. 1412 added a substitute certificate to the certificates for which a person is not required to have a baccalaureate degree and required the Arizona Department of Education (ADE) to award substitute certificates to certain emergency substitute certificate holders with waived certification fees.

The House of Representatives adopted a strike-everything amendment which does the following:

Purpose

Prohibits an employee of or an individual or organization invited to a public educational institution from providing instruction to students or employees that promotes or advocates for specified concepts relating to race and ethnicity, subject to limitations. Outlines enforcement procedures and penalties.

Background

A school district governing board must: 1) prescribe curricula according to the minimum course of study and academic standards prescribed by the State Board of Education (SBE); 2) approve courses of study, units recommended for credit, basic textbooks and supplemental materials; and 3) exclude from schools all materials of a sectarian, partisan or denominational character. Textbooks must be available for a 60-day public review period and committee meetings for textbook review and selection must be open to the public (A.R.S. §§ [15-341](#); [15-701](#); [15-701.01](#); [15-721](#); and [15-722](#)). A community college district (CCD) governing board must exclude all books, publications or papers of a sectarian, partisan or denominational character intended for use as textbooks ([A.R.S. § 15-1444](#)).

A school district or charter school may not include in its program of instruction any courses or classes that: 1) promote the overthrow of the U.S. government; 2) promote resentment toward a race or class of people; 3) are designed primarily for pupils of a particular ethnic group; or 4) advocate ethnic solidarity instead of the treatment of pupils as individuals. If the SBE or Superintendent of Public Instruction (SPI) determines a school district or charter school is in violation and fails to comply within 60 days after notice, the SBE or SPI may direct ADE to withhold up to 10 percent of its monthly state aid until the school district or charter school complies ([A.R.S. § 15-112](#)). In 2017, the U.S. District Court of Arizona held that A.R.S. § 15-112 violated the First Amendment and Fourteenth Amendment of the U.S. Constitution (*Gonzalez v. Douglas*, 269 F. Supp. 3d 948 (D. Ariz. 2017)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

***Prohibited Instruction***

1. Prohibits a public educational institution employee 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 from providing instruction to students or employees that promotes or advocates for any of the following concepts:
  - 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 the individual's race or ethnicity, is inherently racist or oppressive, whether consciously or unconsciously;
  - d) that an individual should be invidiously discriminated against or receive adverse treatment solely or partly because of the individual's race or ethnicity;
  - e) that an individual's moral character is determined by the individual's race or ethnicity;
  - f) 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; and
  - g) 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.
2. Authorizes an attorney acting on behalf of a public educational institution to request a legal opinion of the Attorney General (AG) or the county attorney for the county in which the public educational institution is located as to whether a proposed action would violate the prohibition on instruction promoting or advocating for specified concepts.
3. Specifies that the prohibition does not prevent a public educational institution employee 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 slavery, Indian removal, the Holocaust or Japanese-American internment.
4. 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.

***Application of the Prohibition***

5. Limits the prohibition on postsecondary institution employees or individuals or organizations invited to postsecondary institutions by:
  - a) applying the prohibition 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; and
  - b) specifying that the prohibition does not apply when the employee, organization or individual is providing instruction to students for:
    - i. a general studies requirement; or
    - ii. an elective course or any other course or activity that is not specific to and required for a teacher preparation program.

6. Defines *public educational institution* as:
  - a) a school district or school operated by a school district (district school);
  - b) a charter school;
  - c) the Arizona State Schools for the Deaf and the Blind;
  - d) a public university, community college or CCD;
  - e) ADE;
  - f) the SBE; or
  - g) the State Board for Charter Schools.

### ***Complaint Process***

7. Allows, if a student or employee of a public educational institution allegedly receives instruction in violation of the prohibition, the student, employee or parent of the student to file a complaint with an appropriate administrator designated by the public educational institution.
8. Directs the designated administrator to determine whether the violation occurred and, if a violation occurred, act to resolve the complaint.
9. Allows a student, employee or parent to appeal a designated administrator's determination or action by filing a complaint with, as applicable, the:
  - a) school district governing board;
  - b) charter school governing body;
  - c) Arizona Board of Regents (ABOR); or
  - d) CCD governing board.
10. Directs the governing entity to which the student, employee or parent appealed to schedule a hearing to determine whether the violation occurred and, if a violation occurred, act to resolve the complaint within 30 days after receipt.
11. Requires any decision made by the governing entity to include an explanation of the decision.
12. Identifies, as designated administrators:
  - a) the school district superintendent for a school district or district school; and
  - b) the charter school operator for a charter school.
13. Prohibits a student, employee or parent from filing more than one complaint to a designated administrator in any 30-day period and allows a complaint to identify multiple violations.

### ***Enforcement and Penalties***

14. Authorizes a student, employee or parent to file a claim for the purposes of compliance in the superior court in the county in which the public educational institution is located to appeal:
  - a) a determination made or action taken by a school district governing board, charter school governing body, ABOR or a CCD governing board; or
  - b) for a public educational institution other than a school district, public school or postsecondary institution, the designated administrator's determination or action.
15. Authorizes the AG or the appropriate county attorney to initiate a suit in the superior court in the county in which the public educational institution is located for the purposes of compliance.

16. Allows the court to impose a civil penalty on the public educational institution where the violation occurs of up to \$5,000 for each day that a person violates the prohibition, unless the public educational institution received a legal opinion from the AG or county attorney that concluded that the action that is the subject of the violation would not violate the prohibition.
17. Subjects, to disciplinary action as the SBE deems appropriate, a teacher who violates the prohibition on instruction promoting or advocating for the specified concepts, including suspension or revocation of the teacher's certificate.

*Miscellaneous*

18. Specifies that, notwithstanding any other law, age and grade-appropriate classroom instruction regarding child assault awareness and abuse prevention is allowed.
19. Defines *community college*, *community college district* and *postsecondary institution*.
20. Makes technical changes
21. Becomes effective on the general effective date.

Amendments Adopted by the House of Representatives

- Adopted the strike-everything amendment.

House Action

ED	3/22/22	W/D	
APPROP	3/28/22	DPA/SE	8-5-0-0
3 <sup>rd</sup> Read	5/25/22		31-27-2

Prepared by Senate Research  
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LB /slp