

House Engrossed Senate Bill

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

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

# SENATE BILL 1412

AN ACT

REPEALING SECTIONS 15-711.01 AND 15-717.02, ARIZONA REVISED STATUTES;  
AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING NEW SECTIONS 15-711.01 AND 15-717.02; RELATING TO PUBLIC  
EDUCATIONAL INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Sections 15-711.01 and 15-717.02, Arizona Revised Statutes, are  
4 repealed.

5 Sec. 2. Title 15, chapter 7, article 1, Arizona Revised Statutes,  
6 is amended by adding new sections 15-711.01 and 15-717.02, to read:

7 15-711.01. Instruction; child assault awareness; abuse  
8 prevention

9 NOTWITHSTANDING ANY OTHER LAW, AGE-APPROPRIATE AND GRADE-APPROPRIATE  
10 CLASSROOM INSTRUCTION REGARDING CHILD ASSAULT AWARENESS AND ABUSE  
11 PREVENTION IS ALLOWED.

12 15-717.02. Prohibited instruction; legal opinions;  
13 disciplinary action; legal action; civil  
14 penalty; applicability; definitions

15 A. AN EMPLOYEE OF A PUBLIC EDUCATIONAL INSTITUTION WHO IS ACTING IN  
16 THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES OR AN INDIVIDUAL OR  
17 ORGANIZATION THAT IS INVITED TO A PUBLIC EDUCATIONAL INSTITUTION MAY NOT  
18 PROVIDE INSTRUCTION TO STUDENTS OR EMPLOYEES THAT PROMOTES OR ADVOCATES  
19 FOR ANY OF THE FOLLOWING CONCEPTS:

20 1. BLAME OR JUDGMENT ON THE BASIS OF RACE OR ETHNICITY.

21 2. THAT ONE RACE OR ETHNIC GROUP IS INHERENTLY MORALLY OR  
22 INTELLECTUALLY SUPERIOR TO ANOTHER RACE OR ETHNIC GROUP.

23 3. THAT AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE OR  
24 ETHNICITY, IS INHERENTLY RACIST OR OPPRESSIVE, WHETHER CONSCIOUSLY OR  
25 UNCONSCIOUSLY.

26 4. THAT AN INDIVIDUAL SHOULD BE INVIDIOUSLY DISCRIMINATED AGAINST  
27 OR RECEIVE ADVERSE TREATMENT SOLELY OR PARTLY BECAUSE OF THE INDIVIDUAL'S  
28 RACE OR ETHNICITY.

29 5. THAT AN INDIVIDUAL'S MORAL CHARACTER IS DETERMINED BY THE  
30 INDIVIDUAL'S RACE OR ETHNICITY.

31 6. THAT AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE OR  
32 ETHNICITY, BEARS RESPONSIBILITY FOR ACTIONS COMMITTED BY OTHER MEMBERS OF  
33 THE SAME RACE OR ETHNIC GROUP.

34 7. THAT ACADEMIC ACHIEVEMENT, MERITOCRACY OR TRAITS SUCH AS A HARD  
35 WORK ETHIC ARE RACIST OR WERE CREATED BY MEMBERS OF A PARTICULAR RACE OR  
36 ETHNIC GROUP TO OPPRESS MEMBERS OF ANOTHER RACE OR ETHNIC GROUP.

37 B. AN ATTORNEY ACTING ON BEHALF OF A PUBLIC EDUCATIONAL INSTITUTION  
38 MAY REQUEST A LEGAL OPINION OF THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY  
39 FOR THE COUNTY IN WHICH THE PUBLIC EDUCATIONAL INSTITUTION IS LOCATED AS  
40 TO WHETHER A PROPOSED ACTION WOULD VIOLATE THIS SECTION.

41 C. A TEACHER WHO VIOLATES THIS SECTION IS SUBJECT TO DISCIPLINARY  
42 ACTION, INCLUDING THE SUSPENSION OR REVOCATION OF THE TEACHER'S  
43 CERTIFICATE, AS THE STATE BOARD DEEMS APPROPRIATE.

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

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

15 2. A CHARTER SCHOOL IS THE CHARTER SCHOOL OPERATOR.

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

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

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

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

39 G. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN  
40 WHICH AN ALLEGED VIOLATION OF THIS SECTION OCCURS MAY INITIATE A SUIT IN  
41 THE SUPERIOR COURT IN THE COUNTY IN WHICH THE PUBLIC EDUCATIONAL  
42 INSTITUTION IS LOCATED FOR THE PURPOSE OF COMPLYING WITH THIS SECTION.

1 H. FOR EACH DAY THAT A PERSON VIOLATES THIS SECTION, THE COURT MAY  
2 IMPOSE A CIVIL PENALTY NOT TO EXCEED \$5,000 PER DAY ON THE PUBLIC  
3 EDUCATIONAL INSTITUTION WHERE THE VIOLATION OCCURS UNLESS THE PUBLIC  
4 EDUCATIONAL INSTITUTION RECEIVED A LEGAL OPINION FROM THE ATTORNEY GENERAL  
5 OR THE COUNTY ATTORNEY UNDER SUBSECTION B OF THIS SECTION THAT CONCLUDED  
6 THAT THE ACTION THAT IS THE SUBJECT OF THE VIOLATION WOULD NOT VIOLATE  
7 THIS SECTION.

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

15 J. NOTWITHSTANDING SUBSECTIONS A THROUGH I OF THIS SECTION:

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

21 2. THIS SECTION DOES NOT APPLY TO EMPLOYEES OF POSTSECONDARY  
22 INSTITUTIONS OR TO ORGANIZATIONS OR INDIVIDUALS INVITED TO POSTSECONDARY  
23 INSTITUTIONS WHEN THE EMPLOYEE, ORGANIZATION OR INDIVIDUAL IS PROVIDING  
24 INSTRUCTION TO STUDENTS FOR EITHER OF THE FOLLOWING:

25 (a) A GENERAL STUDIES REQUIREMENT.

26 (b) AN ELECTIVE COURSE OR ANY OTHER COURSE OR ACTIVITY THAT IS NOT  
27 SPECIFIC TO AND REQUIRED FOR A TEACHER PREPARATION PROGRAM.

28 K. FOR THE PURPOSES OF THIS SECTION:

29 1. "COMMUNITY COLLEGE" HAS THE SAME MEANING PRESCRIBED IN SECTION  
30 15-1401.

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

33 3. "INSTRUCTION" INCLUDES ANY OF THE FOLLOWING:

34 (a) EDUCATIONAL ACTIVITIES.

35 (b) TRAINING.

36 (c) INSTRUCTION THAT IS PART OF A TEACHER PREPARATION PROGRAM,  
37 CONTINUING EDUCATION OR PROFESSIONAL DEVELOPMENT.

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

41 5. "PUBLIC EDUCATIONAL INSTITUTION" MEANS ANY OF THE FOLLOWING:

42 (a) A SCHOOL DISTRICT.

43 (b) A SCHOOL THAT IS OPERATED BY A SCHOOL DISTRICT.

- 1 (c) A CHARTER SCHOOL.
- 2 (d) THE DEPARTMENT OF EDUCATION.
- 3 (e) THE STATE BOARD OF EDUCATION.
- 4 (f) THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND.
- 5 (g) THE STATE BOARD FOR CHARTER SCHOOLS.
- 6 (h) A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
- 7 REGENTS.
- 8 (i) A COMMUNITY COLLEGE DISTRICT.
- 9 (j) A COMMUNITY COLLEGE.