



# ARIZONA HOUSE OF REPRESENTATIVES

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First Regular Session

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House: 3rd Read 31-29-0-0

## **SB 1305: race; ethnicity; prohibited instruction. (Substituted for HB 2458)**

**Sponsor: Senator Mesnard, LD 13**

**Transmitted to the Governor**

### **Overview**

Prohibits a public school, school district or state agency or an employee from providing or allowing any person to provide instruction that promotes or advocates for specified concepts relating to race or ethnicity. Establishes a complaint process and civil penalty for violations.

### **History**

Statute prohibits a school district or charter school from including in its program of instruction any courses 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. Statute details exemptions to this course prohibition.

If the State Board of Education (SBE) or the Superintendent of Public Instruction (SPI) find that a school district or charter school violates this prohibition, SBE or the SPI must issue a violation notice. If the school district or charter school fails to comply within 60 days after notice, up to 10% of the monthly state aid allotted for the school district or charter school may be withheld ([A.R.S. § 15-112](#)). However, in 2017, this statute was found to be in violation of the First and Fourteenth Amendments (*González v. Douglas*).

[Laws 2021, Chapter 404 § 21](#) prohibits a school district, charter school or state agency employee who is involved with students and teachers in preschool through the 12th grade from allowing instruction in specified concepts relating to race, ethnicity or sex. In 2022, the Arizona Supreme Court voided this section as parts of Laws 2021, Chapter 404 were found to violate the state Constitution's title requirement ([Arizona School Boards Association, Inc. et al. v. State of Arizona](#)).

### **Provisions**

#### ***Prohibition on Specified Instruction***

1. Prohibits a public school, school district, state agency or an employee from providing or allowing any person to provide instruction to students or employees that promotes or advocates for any of the following:
  - a) judging an individual based on their race or ethnicity;
  - b) that one race or ethnic group is inherently morally or intellectually superior to another;
  - c) that an individual is racist or oppressive by virtue of their race or ethnicity;
  - 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 bears responsibility or blame for actions committed by other members of the same race or ethnic group; or
  - g) that academic achievement, meritocracy or other traits are racist or were created by members of a particular race or ethnic group to oppress others. (Sec. 2)

<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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2. Subjects a certificated or noncertificated person who violates the prohibition to disciplinary action as deemed appropriate by SBE. (Sec. 2)
3. States employees or invitees of a public school, school district or state agency are not prevented from providing instruction that discusses historical movements, ideologies or instances of racial hatred or discrimination. (Sec. 2)
4. Defines *employee*, *instruction* and *state agency*. (Sec. 2)

#### **Complaint Process and Civil Penalty**

5. Authorizes a student, employee or student's parent to file a complaint with an appropriate designated administrator if the student or employee receives instruction that allegedly violates the prohibition. (Sec. 2)
6. States a student, employee or student's parent may not file more than one complaint in any 30-day period and that complaints may identify multiple alleged violations. (Sec. 2)
7. Directs the designated administrator to determine in writing whether the violation occurred and act to resolve the complaint within 60 days if a violation occurred. (Sec. 2)
8. Enables a student, employee or student's parent to appeal a determination made or action taken by a designated administrator of a school district or charter school by filing a complaint with the school district governing board (governing board) or charter school governing body (governing body). (Sec. 2)
9. Mandates a governing board or governing body:
  - a) hold a hearing to determine if the violation occurred;
  - b) act to resolve the complaint within 30 days if a violation occurred; and
  - c) include an explanation of any determination made. (Sec. 2)
10. Allows a student, employee or student's parent to file a complaint with SBE or the SPI for an alleged violation after the public school, school district or state agency has had the opportunity to resolve the complaint as prescribed. (Sec. 2)
11. Instructs SBE or the SPI to notify the public school, school district or state agency if it is in violation of the prohibition. (Sec. 2)
12. Permits SBE or the SPI to impose a civil penalty of up to \$5,000 per violation. (Sec. 2)
13. Requires SBE or the SPI, if it is determined a public school, school district or state agency has failed to correct the violation within 30 days after notice from SBE or the SPI, to impose a civil penalty of up to \$5,000 for each day a violation continues. (Sec. 2)
14. Specifies who the designated administrator is for a school district or charter school. (Sec. 2)
15. States actions taken by SBE or the SPI are subject to appeal according to Uniform Administrative Hearing Procedures. (Sec. 2)
16. Clarifies that instruction that violates the prohibition constitutes a single violation if it results from a single act or series of related acts. (Sec. 2)

#### **Miscellaneous**

17. Allows for age- and grade-appropriate child assault awareness and abuse prevention classroom instruction. (Sec. 2)
18. Repeals statute relating to:
  - a) Age- and grade-appropriate child assault awareness and abuse prevention classroom instruction; and
  - b) Prohibited instruction on specified concepts relating to race, ethnicity or sex. (Sec. 1)