



ARIZONA STATE SENATE
Fifty-Seventh Legislature, First Regular Session

AMENDED
FACT SHEET FOR H.B. 2867

antisemitism; public schools; prohibition; penalties

Purpose

Prescribes prohibitions on public schools, public school personnel, higher education institutions and higher education institution personnel relating to the teaching or promotion of antisemitism or anti-Semitic conduct, acts and processes (antisemitism or anti-Semitic conduct). Outlines reporting procedures, disciplinary requirements and legal remedies for violations of the prohibitions on antisemitism and anti-Semitic conduct and compliance requirements for higher education institutions. Designates this legislation as the *Antisemitism in Education Act (Act)*.

Background

The International Holocaust Remembrance Alliance (IHRA) is an intergovernmental organization consisting of 35 member countries, including the United States, founded to strengthen, advance and promote Holocaust education, remembrance and research ([IHRA](#)). On May 26, 2016, the IHRA adopted a non-legally binding working definition of antisemitism. *Antisemitism*, as defined by the IHRA, means a certain perception of Jews, which may be expressed as hatred toward Jews, including rhetorical and physical manifestations that are directed toward Jewish or non-Jewish individuals and the individuals' property, Jewish community institutions and religious facilities. The IHRA outlines contemporary examples of antisemitism in public life, the media, schools, the workplace and in religious spheres ([IHRA](#); [U.S. Department of State](#)).

A public educational institution may not discriminate against students or parents based on a religious viewpoint or religious expression. A public university or Arizona community college may not discriminate against a student on the basis of the student's religious viewpoint, expression or belief (A.R.S. §§ [15-110](#) and [15-1862](#)).

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

Provisions

Prohibitions on Antisemitism and Anti-Semitic Conduct

1. Prohibits a public school, teacher, principal, school administrator or volunteer or contractor for a public school and a faculty member, administrator, employee, contractor or volunteer of a higher education institution from:
 - a) teaching, instructing or training students in any antisemitism or anti-Semitic conduct that constitutes harassment or discrimination and that creates a hostile education or work environment;

- b) promoting or providing professional development in any antisemitism or anti-Semitic conduct that constitutes harassment or discrimination and that creates a hostile education or work environment;
 - c) calling for genocide of any group or persons or for the murder of members of a particular group; and
 - d) requiring a student to advocate for an anti-Semitic point of view or to promote anti-Semitic conduct to receive credit across every subject area for coursework or to receive credits that are necessary for the student to graduate from high school or complete a degree or certificate program.
2. Prohibits public schools, public school teachers, higher education institutions and faculty, employees and contractors of a higher education institution from:
 - a) applying for, soliciting, receiving or using monies or in-kind good or services from any source to:
 - i. teach, instruct or train students in antisemitism or anti-Semitic conduct;
 - ii. develop, purchase or acquire a curriculum or course materials that promote antisemitism or anti-Semitic conduct;
 - iii. provide teacher training or professional development for a course that promotes antisemitism or anti-Semitic conduct; or
 - iv. hire or retain a contractor for any prohibited purpose relating to the teaching or promotion of antisemitism or anti-Semitic conduct;
 - b) using any public monies to support the costs of teaching antisemitism or anti-Semitic conduct;
 - c) providing grants or other monies to other public schools, public school teachers, higher education institutions or faculty, employees or contractors of higher education institutions to support the costs of teaching antisemitism or anti-Semitic conduct; and
 - d) accepting or using monies that are intended or required to be used to support the costs of teaching or promoting antisemitism or anti-Semitic conduct to students who are enrolled in a public school or higher education institution.
3. Prohibits a public school or higher education institution from:
 - a) taking any adverse employment action against a school teacher, school administrator or other school employee or a higher education institution faculty member, administrator, employee or contractor for refusal to teach or promote antisemitism or anti-Semitic conduct or to support, believe, endorse, embrace, confess, act on or otherwise assist antisemitism or anti-Semitic conduct; and
 - b) requiring a school teacher, school administrator or other school employee or a higher education institution faculty member, administrator, employee or contractor to complete a curriculum that includes any antisemitism or anti-Semitic conduct as a condition of employment or continued employment.
4. Specifies that *adverse employment action* includes penalties and discrimination.
5. Specifies the prohibitions on teaching or promoting antisemitism or anti-Semitic conduct do not:
 - a) prohibit any individual from discussing or using instructional materials as part of a course of instruction about the history of Jews, Judaism or Israel; or

- b) diminish or infringe on any right protected under the Arizona Constitution or First Amendment to the U.S. Constitution.

Public School Reporting Procedures and Disciplinary Requirements

6. Allows a student, a student's parent, a teacher or a member of the public to report an alleged violation of the prohibited conduct to the highest ranking official (official) of the public school or the official's designee.
7. Specifies that a report relating to a public school may identify multiple alleged violations of the prohibited conduct.
8. Requires a public school official or the official's designee to determine in writing:
 - a) whether a violation occurred; and
 - b) if the subject of the report is a teacher or principal, whether the teacher or principal knowingly violated the prohibited conduct.
9. Requires, if a public school official or the official's designee determines that a violation occurred, the official or the official's designee to:
 - a) act to correct the violation within 30 days after receiving the report; and
 - b) notify the State Board of Education (SBE).
10. Requires, if the SBE is notified that a teacher or principal has been found to have knowingly or recklessly violated the prohibited conduct, the SBE to take the following actions against the teacher or principal:
 - a) for a first violation, issue a formal reprimand;
 - b) for a second violation, suspend the teacher's or principal's certificate for a period of time determined by the SBE based on the circumstances and severity of the violation; and
 - c) for a third violation, revoke the teacher's or principal's certificate.
11. Allows a student, a student's parent, a teacher or a public school employee to appeal a determination or action made by a public school official or the official's designee by filing a complaint with the school district governing board (governing board) or charter school governing body (governing body).
12. Requires a governing board or governing body to:
 - a) hold a hearing to determine whether a violation occurred; and
 - b) if the governing board or governing body determines that a violation occurred, act to resolve the violation within 30 days after receiving the appeal.
13. Requires, if a governing board or governing body determines that a teacher or principal knowingly or recklessly violated the prohibited conduct:
 - a) the governing board or governing body to notify the SBE; and
 - b) the SBE to take the appropriate prescribed disciplinary action against the teacher or principal.
14. Specifies that any determination made by a governing board or governing body must include an explanation of the determination.

15. Allows, after the public school and governing board or governing body have had the opportunity to resolve the complaint as prescribed, a student, a student's parent, a teacher or a public school employee to file a complaint with the SBE for an alleged violation of the prohibited conduct.
16. Requires the SBE to:
 - a) notify the public school that it is in violation of the prohibited conduct, if the SBE determines that the violations occurred; and
 - b) take the appropriate prescribed disciplinary action against a teacher or principal, if the SBE determines that the teacher or principal knowingly or recklessly violated the prohibited conduct.

Higher Education Institution Reporting Procedures and Disciplinary Requirements

17. Authorizes a student, a student's parent, a higher education institution faculty member or member of the public to report an alleged violation of the prohibited conduct to the higher education institution official or the official's designee.
18. Specifies that a report relating to a higher education institution may identify multiple alleged violations of the prohibited conduct.
19. Requires a higher education institution official or the official's designee to:
 - a) initiate an internal investigation of any report of alleged violations within 15 days of receiving the report;
 - b) determine in writing whether a violation occurred; and
 - c) if the subject of the report is one or more individuals, whether each individual knowingly or recklessly violated the prohibited conduct.
20. Requires, if a higher education institution official or the official's designee determines that a violation occurred, the official or the official's designee to act to correct the violation within 30 days of receiving the report.
21. Directs a higher education institution official or the official's designee who is notified that a faculty member, administrator, employee or contractor has been found responsible for a violation of the prohibited conduct or who determines that the faculty member, administrator, employee or contractor knowingly or recklessly violated the prohibited conduct following an investigation to take the following action against the individual:
 - a) for a first violation, issue a formal reprimand;
 - b) for a second violation, suspend the individual without pay for a period of time that is determined by the official based on the severity and circumstances of the violation; and
 - c) for a third violation, terminate the individual's employment.
22. Allows, after a higher education institution that is the subject of a complaint has had the opportunity to resolve the complaint as prescribed, a student, a student's parent, a higher education institution faculty member or member of the public to file the complaint with the Arizona Board of Regents (ABOR) or community college district (CCD) governing board, whichever applies.

23. Requires, if ABOR or the CCD governing board determine that a violation occurred, ABOR or the CCD governing board to notify the higher education institution that it is in violation of the prohibited conduct.
24. Requires, if ABOR or the CCD governing board determine that a higher education institution faculty member, administrator, employee or contractor knowingly or recklessly violated the prohibited conduct:
 - a) ABOR or the CCD governing board to notify the higher education institution official or the official's designee; and
 - b) the higher education institution official or the official's designee to take the appropriate prescribed disciplinary action against the individual.

Legal Remedies

25. Stipulates that a student who is at least 18 years old or the parent of a minor student may bring an action in court of competent jurisdiction to enjoin any violation of the prohibited conduct that creates a hostile education only after:
 - a) the SBE makes a determination on the complaint as outlined, for violations relating to a public school; or
 - b) ABOR or the CCD governing board makes a determination on a complaint as outlined, for violations relating to a higher education institution.
26. Specifies that a violation of the prohibited conduct alleged in an action relating to a public school must be alleged in the complaint filed to the SBE.
27. Requires a court to hold a trial de novo for an action brought as prescribed and decide all questions of fact without deference to any previous determination made by:
 - a) the public school, the governing board or governing body and the SBE, for violations relating to a public school; and
 - b) the higher education institution, ABOR or the CCD governing board, for violations relating to a higher education institution.
28. Determines that, to prevail in an action brought, a student or student's parent must prove by a preponderance of evidence that each alleged violation occurred, created a hostile education environment for the student and was:
 - a) committed by one or more named defendants;
 - b) characterized by antisemitism; and
 - c) not speech protected by the Arizona Constitution or the First Amendment to the U.S. Constitution.
29. Determines that an individual, a public school or a higher education institution that is a named defendant in a civil action that is brought as prescribed is not immune from civil liability and that each individual is personally liable for any damages arising from the individual's conduct.
30. Allows a court to award actual damages, consequential damages, punitive damages, court costs and reasonable attorney fees for an action that is brought as prescribed.

31. Prohibits a public school or a higher education institution from using taxpayer monies to:
- a) satisfy a judgement that is entered against the public school or higher education institution for violation of the prohibited conduct; or
 - b) reimburse an individual defendant who is found liable for a violation of the prohibited conduct.

Higher Education Institution Compliance Requirements

32. Requires a higher education institution to:
- a) revise the higher education institution's policies and procedures, including any policy relating to tenure, to implement and enforce the prohibitions;
 - b) notify all employees and contractors of the revised policies;
 - c) in any employment or tenure decision, consider any confirmed report that a faculty member, administrator, employee or contractor violated the prohibition as a negative factor;
 - d) review the higher education institution's grant and scholarship programs to determine whether any program requires recipients to certify that the recipient will not use any of the grant or scholarship monies to promote antisemitism or anti-Semitic conduct;
 - e) review the higher education institution's employee training programs to ensure that each program complies with prescribed prohibitions;
 - f) ensure that each higher education institution employee and contractor complies with the prescribed prohibitions, including any contractor hired by the higher education institution to provide training or a workshop, forum or other program for the higher education institution's employees;
 - g) take actions to encourage the higher education institution's faculty, administrators, employees and contractors to not discriminate against the individual's Jewish and non-Jewish colleagues on the basis of the colleague's religion, ethnicity, support for Israel or the Jewish people or characteristics that are protected by state and federal law;
 - h) protect each guest lecturer and student organizations that invite a guest lecturer against any demonstrator who engages in antisemitism or anti-Semitic conduct; and
 - i) refuse to recognize or revoke the recognition of and support for any student organization that:
 - i. invites a guest speaker who incites any antisemitism or anti-Semitic conduct on the higher education institution's campus;
 - ii. organizes, promotes, incites or invites the student organization's members to engage in any antisemitism or anti-Semitic conduct; or
 - iii. engages in any act, conduct or process calling for genocide of any group of persons or for the murder of members of a particular group, to the extent that the act, conduct or process creates a hostile education environment;

Miscellaneous

33. Requires the SBE to adopt rules to implement and enforce requirements relating to the prohibited conduct for public schools.
34. Requires, within 30 days of the effective date, the Arizona Department of Education (ADE) to transmit a copy of the Act to each public school and ABOR to transmit a copy of the Act to each public university.

35. Defines *antisemitism* as antisemitism defined by the IHRA on May 26, 2016, and as adopted by the U.S. Department of State, including the contemporary examples of antisemitism identified in the adopted definition, if the antisemitism is:
 - a) an act or acts; or
 - b) speech that is not protected by the Arizona Constitution or First Amendment to the U.S. Constitution.
36. Defines *hostile education environment* to mean an environment in which harassment or discrimination is so severe, pervasive or persistent that it interferes with or limits a student's ability to participate in or benefit from the services, activities or opportunities that are offered by a school or school faculty member, administrator, employee, official or contractor.
37. Defines *higher education institution* as a public university or an Arizona CCD.
38. Designates this legislation as the *Antisemitism in Education Act*.
39. Makes conforming changes.
40. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Removes the state and state agencies from the list of entities that are subject to the prohibitions and requirements on the state and state agencies relating to the prohibitions.
2. Modifies public school reporting procedures for violations of the prohibited conduct by:
 - a) directing outlined individuals to report an alleged violation to the public school official or the official's designee, rather than to ADE;
 - b) allowing outlined individuals to appeal a determination made by the public school official or the official's designee to the governing board or governing body as prescribed;
 - c) allowing outlined individuals to file the complaint with the SBE as prescribed after the public school and governing board or governing body had the opportunity to resolve the complaint; and
 - d) stipulating that outlined individuals can bring an action in court as prescribed only after the SBE makes a determination on the complaint.
3. Modifies higher education institution reporting procedures for violations of the prohibited conduct by:
 - a) allowing outlined individuals to report an alleged violation to the higher education institution official or the official's designee, rather than only the official;
 - b) applying the investigation and disciplinary requirements on a higher education institution official to the official's designee;
 - c) allowing outlined individuals to file a complaint with ABOR or the CCD governing board after the higher education institution had the opportunity to resolve the complaint; and
 - d) stipulating that outlined individuals can bring an action in court as prescribed only after ABOR or the CCD governing board makes a determination on the complaint.

4. Prescribes administrative, investigation and disciplinary requirements on public schools, governing boards, governing bodies, the SBE, higher education institutions, ABOR and CCD governing boards relating to reported violations of the prohibited conduct.
5. Outlines court requirements for actions brought relating to violations of the prohibited conduct, including requirements on a student or student's parent to prevail in court.
6. Removes the prohibition on awarding academic credit for courses that include or promote antisemitism or anti-Semitic conduct.
7. Removes the requirements on a higher education institution to annually review compliance with the prohibitions and annually submit a compliance report to outlined individuals.
8. Removes the requirement for ADE and the Arizona State Board for Private Postsecondary Education to transmit a copy of the Act to specified entities as outlined.
9. Removes the requirement for the SBE's rules on the prohibitions to be subject to the Superintendent of Public Instruction's approval.
10. Removes, from the definition of *higher education institution*, a career technical education district that provides instruction to adult students and a private postsecondary institution that is licensed by the Arizona State Board for Private Postsecondary Education.
11. Stipulates that *antisemitism* must be either an act or acts or speech that is not protected by the Arizona Constitution or First Amendment to the U.S. Constitution.
12. Makes technical and conforming changes.

House Action

Senate Action

ED 2/18/25 DPA 8-4-0-0
3rd Read 3/3/25 38-20-2

ED 3/19/25 DP 4-3-0

Prepared by Senate Research
May 30, 2025
MH/ci