

REFERENCE TITLE: antisemitism; public schools; prohibition; penalties

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2575

Introduced by
Representatives Way: Carbone, Carter N, Carter P, Fink, Gress, Heap,
Lopez, Marshall, Montenegro, Willoughby, Wilmeth

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-120.08; AMENDING TITLE 15, CHAPTER 18, ARIZONA REVISED
STATUTES, BY ADDING ARTICLE 2; RELATING TO PUBLIC EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 15-120.08, to read:

4 15-120.08. Antisemitism and anti-Semitic conduct, acts or
5 processes; prohibitions; discipline;
6 enforcement; civil liability; rules; definitions

7 A. A PUBLIC SCHOOL, A TEACHER, A PRINCIPAL, A SCHOOL ADMINISTRATOR
8 OR A VOLUNTEER OR CONTRACTOR FOR A PUBLIC SCHOOL MAY NOT:

9 1. TEACH, INSTRUCT OR TRAIN STUDENTS IN ANY ANTISEMITISM OR
10 ANTI-SEMITIC CONDUCT, ACT OR PROCESS THAT CONSTITUTES HARASSMENT OR
11 DISCRIMINATION AND THAT CREATES A HOSTILE EDUCATIONAL ENVIRONMENT.

12 2. PROMOTE OR PROVIDE PROFESSIONAL DEVELOPMENT IN ANY ANTISEMITISM
13 OR ANTI-SEMITIC CONDUCT, ACT OR PROCESS THAT CONSTITUTES HARASSMENT OR
14 DISCRIMINATION AND THAT CREATES A HOSTILE WORK ENVIRONMENT OR A HOSTILE
15 EDUCATIONAL ENVIRONMENT.

16 3. CALL FOR GENOCIDE OF ANY GROUP OF PERSONS OR FOR THE MURDER OF
17 MEMBERS OF A PARTICULAR GROUP.

18 4. REQUIRE A STUDENT TO ADVOCATE FOR AN ANTI-SEMITIC POINT OF VIEW
19 OR TO PROMOTE ANTI-SEMITIC CONDUCT TO RECEIVE CREDIT ACROSS EVERY SUBJECT
20 AREA FOR COURSEWORK OR TO RECEIVE CREDITS THAT ARE NECESSARY FOR THE
21 STUDENT TO GRADUATE FROM HIGH SCHOOL.

22 B. PUBLIC SCHOOLS AND TEACHERS MAY NOT:

23 1. APPLY FOR, SOLICIT, RECEIVE OR USE MONIES OR IN-KIND GOODS OR
24 SERVICES FROM ANY SOURCE FOR THE PURPOSE OF:

25 (a) TEACHING, INSTRUCTING OR TRAINING STUDENTS IN ANTISEMITISM OR
26 ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES.

27 (b) DEVELOPING, PURCHASING OR ACQUIRING A CURRICULUM OR COURSE
28 MATERIALS FOR A COURSE THAT PROMOTES ANTISEMITISM OR ANTI-SEMITIC CONDUCT,
29 ACTS OR PROCESSES.

30 (c) PROVIDING TEACHER TRAINING OR PROFESSIONAL DEVELOPMENT FOR A
31 COURSE THAT PROMOTES ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR
32 PROCESSES.

33 (d) HIRING OR RETAINING A CONTRACTOR FOR ANY PURPOSE DESCRIBED IN
34 SUBDIVISION (a), (b) OR (c) OF THIS PARAGRAPH.

35 2. USE ANY PUBLIC MONIES TO SUPPORT THE COSTS OF TEACHING
36 ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES.

37 3. PROVIDE GRANTS OR OTHER MONIES TO OTHER PUBLIC SCHOOLS OR
38 TEACHERS TO SUPPORT THE COSTS OF TEACHING ANTISEMITISM OR ANTI-SEMITIC
39 CONDUCT, ACTS OR PROCESSES.

40 4. ACCEPT OR USE MONIES THAT ARE INTENDED OR REQUIRED TO BE USED TO
41 SUPPORT THE COSTS OF TEACHING OR PROMOTING ANTISEMITISM OR ANTI-SEMITIC
42 CONDUCT, ACTS OR PROCESSES TO STUDENTS WHO ARE ENROLLED IN A PUBLIC
43 SCHOOL.

1 C. A PUBLIC SCHOOL MAY NOT:
2 1. TAKE ANY ADVERSE EMPLOYMENT ACTION AGAINST A TEACHER, SCHOOL
3 ADMINISTRATOR OR OTHER SCHOOL EMPLOYEE BECAUSE THE TEACHER, SCHOOL
4 ADMINISTRATOR OR OTHER SCHOOL EMPLOYEE REFUSED TO TEACH OR PROMOTE
5 ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES OR TO SUPPORT,
6 BELIEVE, ENDORSE, EMBRACE, CONFESS, ACT ON OR OTHERWISE ASSIST
7 ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES. FOR THE PURPOSES
8 OF THIS PARAGRAPH, "ADVERSE EMPLOYMENT ACTION" INCLUDES PENALTIES AND
9 DISCRIMINATION.
10 2. REQUIRE A TEACHER, SCHOOL ADMINISTRATOR OR OTHER SCHOOL EMPLOYEE
11 TO COMPLETE A CURRICULUM THAT INCLUDES ANY ANTISEMITISM OR ANTI-SEMITIC
12 CONDUCT, ACT OR PROCESS AS A CONDITION OF EMPLOYMENT OR CONTINUED
13 EMPLOYMENT.
14 D. A STUDENT, A STUDENT'S PARENT, A TEACHER OR A MEMBER OF THE
15 PUBLIC MAY REPORT AN ALLEGED VIOLATION OF THIS SECTION TO THE HIGHEST
16 RANKING OFFICIAL OF THE PUBLIC SCHOOL OR THE OFFICIAL'S DESIGNEE. A
17 REPORT MADE PURSUANT TO THIS SUBSECTION MAY IDENTIFY MULTIPLE ALLEGED
18 VIOLATIONS OF THIS SECTION. THE OFFICIAL OR DESIGNEE SHALL DETERMINE IN
19 WRITING WHETHER A VIOLATION OCCURRED AND, IF THE SUBJECT OF THE REPORT IS
20 A TEACHER OR PRINCIPAL, WHETHER THE TEACHER OR PRINCIPAL KNOWINGLY OR
21 RECKLESSLY VIOLATED THIS SECTION. IF THE OFFICIAL OR DESIGNEE DETERMINES
22 THAT A VIOLATION OCCURRED, THE OFFICIAL OR DESIGNEE SHALL ACT TO CORRECT
23 THE VIOLATION WITHIN THIRTY DAYS AFTER RECEIVING THE REPORT AND SHALL
24 NOTIFY THE STATE BOARD OF EDUCATION, AND THE STATE BOARD SHALL TAKE THE
25 APPROPRIATE ACTION AGAINST THE TEACHER OR PRINCIPAL PURSUANT TO SUBSECTION
26 G OF THIS SECTION.
27 E. A STUDENT, A STUDENT'S PARENT OR A TEACHER OR EMPLOYEE OF A
28 SCHOOL DISTRICT OR CHARTER SCHOOL MAY APPEAL A DETERMINATION MADE OR
29 ACTION TAKEN UNDER SUBSECTION D OF THIS SECTION BY FILING A COMPLAINT WITH
30 THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY. THE
31 GOVERNING BOARD OR GOVERNING BODY SHALL HOLD A HEARING TO DETERMINE
32 WHETHER A VIOLATION OCCURRED AND, IF THE GOVERNING BOARD OR GOVERNING BODY
33 DETERMINES THAT A VIOLATION OCCURRED, ACT TO RESOLVE THE VIOLATION WITHIN
34 THIRTY DAYS AFTER RECEIVING THE APPEAL. IF THE GOVERNING BOARD OR
35 GOVERNING BODY DETERMINES THAT A TEACHER OR PRINCIPAL KNOWINGLY OR
36 RECKLESSLY VIOLATED THIS SECTION, THE GOVERNING BOARD OR GOVERNING BODY
37 SHALL NOTIFY THE STATE BOARD OF EDUCATION, AND THE STATE BOARD SHALL TAKE
38 THE APPROPRIATE ACTION AGAINST THE TEACHER OR PRINCIPAL PURSUANT TO
39 SUBSECTION G OF THIS SECTION. ANY DETERMINATION MADE UNDER THIS
40 SUBSECTION MUST INCLUDE AN EXPLANATION OF THE DETERMINATION.
41 F. A STUDENT, A STUDENT'S PARENT OR A TEACHER OR EMPLOYEE OF A
42 PUBLIC SCHOOL MAY FILE A COMPLAINT WITH THE STATE BOARD OF EDUCATION FOR
43 AN ALLEGED VIOLATION OF THIS SECTION AFTER THE PUBLIC SCHOOL THAT IS THE
44 SUBJECT OF THE COMPLAINT HAS HAD THE OPPORTUNITY TO RESOLVE THE COMPLAINT

1 AS PRESCRIBED IN SUBSECTIONS D AND E OF THIS SECTION. IF THE STATE BOARD
2 DETERMINES THAT A VIOLATION OCCURRED, THE STATE BOARD SHALL NOTIFY THE
3 PUBLIC SCHOOL THAT IT IS IN VIOLATION OF THIS SECTION. IF THE STATE BOARD
4 DETERMINES THAT A TEACHER OR PRINCIPAL KNOWINGLY OR RECKLESSLY VIOLATED
5 THIS SECTION, THE STATE BOARD SHALL TAKE THE APPROPRIATE ACTION AGAINST
6 THE TEACHER OR PRINCIPAL PURSUANT TO SUBSECTION G OF THIS SECTION.

7 G. IF THE STATE BOARD OF EDUCATION FINDS OR IS NOTIFIED THAT A
8 TEACHER OR PRINCIPAL HAS BEEN FOUND TO HAVE KNOWINGLY OR RECKLESSLY
9 VIOLATED THIS SECTION PURSUANT TO SUBSECTION D, E, F OR H OF THIS SECTION,
10 THE STATE BOARD OF EDUCATION SHALL TAKE THE FOLLOWING ACTION AGAINST THE
11 TEACHER OR PRINCIPAL:

12 1. FOR A FIRST VIOLATION, ISSUE A FORMAL REPRIMAND.

13 2. FOR A SECOND VIOLATION, SUSPEND THE TEACHER'S OR PRINCIPAL'S
14 CERTIFICATE FOR A PERIOD OF TIME THAT IS DETERMINED BY THE STATE BOARD OF
15 EDUCATION BASED ON THE SEVERITY AND CIRCUMSTANCES OF THE VIOLATION.

16 3. FOR A THIRD VIOLATION, REVOKE THE TEACHER'S OR PRINCIPAL'S
17 CERTIFICATE.

18 H. AFTER THE STATE BOARD OF EDUCATION MAKES A DETERMINATION
19 PURSUANT TO SUBSECTION F OF THIS SECTION, A STUDENT WHO IS AT LEAST
20 EIGHTEEN YEARS OF AGE OR THE PARENT OF A MINOR STUDENT MAY BRING AN ACTION
21 IN A COURT OF COMPETENT JURISDICTION TO ENJOIN ANY VIOLATION OF THIS
22 SECTION THAT IS ALLEGED IN THE COMPLAINT FILED PURSUANT TO SUBSECTION F OF
23 THIS SECTION AND THAT CREATES A HOSTILE EDUCATION ENVIRONMENT FOR THE
24 STUDENT. NOTWITHSTANDING ANY OTHER LAW, AN INDIVIDUAL OR A PUBLIC SCHOOL
25 THAT IS A NAMED DEFENDANT IN A CIVIL ACTION THAT IS BROUGHT PURSUANT TO
26 THIS SUBSECTION IS NOT IMMUNE FROM CIVIL LIABILITY, AND EACH INDIVIDUAL IS
27 PERSONALLY LIABLE FOR ANY DAMAGES ARISING FROM THE INDIVIDUAL'S CONDUCT IN
28 VIOLATION OF THIS SECTION. A PUBLIC SCHOOL MAY NOT USE TAXPAYER MONIES TO
29 SATISFY A JUDGMENT THAT IS ENTERED AGAINST THE PUBLIC SCHOOL IN AN ACTION
30 BROUGHT PURSUANT TO THIS SUBSECTION OR TO REIMBURSE AN INDIVIDUAL
31 DEFENDANT WHO IS FOUND LIABLE FOR A VIOLATION OF THIS SECTION. A COURT
32 MAY AWARD ACTUAL DAMAGES, CONSEQUENTIAL DAMAGES, PUNITIVE DAMAGES, COURT
33 COSTS AND REASONABLE ATTORNEY FEES IN AN ACTION BROUGHT PURSUANT TO THIS
34 SUBSECTION. A COURT SHALL HOLD A TRIAL DE NOVO FOR AN ACTION BROUGHT
35 PURSUANT TO THIS SUBSECTION AND SHALL DECIDE ALL QUESTIONS OF FACT WITHOUT
36 DEFERENCE TO ANY PREVIOUS DETERMINATION THAT HAS BEEN MADE PURSUANT TO
37 THIS SECTION. TO PREVAIL IN AN ACTION BROUGHT PURSUANT TO THIS
38 SUBSECTION, THE STUDENT OR STUDENT'S PARENT MUST PROVE BY A PREPONDERANCE
39 OF THE EVIDENCE THAT EACH ALLEGED VIOLATION OCCURRED AND MET ALL OF THE
40 FOLLOWING:

41 1. WAS COMMITTED BY ONE OR MORE NAMED DEFENDANTS.

42 2. WAS CHARACTERIZED BY ANTISEMITISM.

43 3. WAS NOT SPEECH PROTECTED BY THE CONSTITUTION OF ARIZONA OR THE
44 FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

1 4. CREATED A HOSTILE EDUCATION ENVIRONMENT FOR THE STUDENT.
2 I. THIS SECTION DOES NOT PROHIBIT ANY INDIVIDUAL FROM DISCUSSING OR
3 USING INSTRUCTIONAL MATERIALS AS A PART OF A COURSE OF INSTRUCTION ABOUT
4 THE HISTORY OF JEWS, JUDAISM OR THE STATE OF ISRAEL. THIS SECTION DOES
5 NOT DIMINISH OR INFRINGE ON ANY RIGHT PROTECTED UNDER THE CONSTITUTION OF
6 ARIZONA OR THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.
7 J. THE STATE BOARD OF EDUCATION SHALL ADOPT RULES TO IMPLEMENT AND
8 ENFORCE THIS SECTION.
9 K. FOR THE PURPOSES OF THIS SECTION:
10 1. "ANTISEMITISM" MEANS ANTISEMITISM AS DEFINED BY THE
11 INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE ON MAY 26, 2016 AND AS
12 ADOPTED BY THE UNITED STATES DEPARTMENT OF STATE, INCLUDING THE
13 CONTEMPORARY EXAMPLES OF ANTISEMITISM IDENTIFIED IN THE ADOPTED
14 DEFINITION, IF THE ANTISEMITISM IS AT LEAST ONE OF THE FOLLOWING:
15 (a) AN ACT OR ACTS.
16 (b) SPEECH THAT IS NOT PROTECTED BY EITHER THE CONSTITUTION OF
17 ARIZONA OR THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.
18 2. "HOSTILE EDUCATION ENVIRONMENT" MEANS AN ENVIRONMENT IN WHICH
19 HARASSMENT OR DISCRIMINATION IS SO SEVERE, PERVASIVE OR PERSISTENT THAT IT
20 INTERFERES WITH OR LIMITS A STUDENT'S ABILITY TO PARTICIPATE IN OR BENEFIT
21 FROM THE SERVICES, ACTIVITIES OR OPPORTUNITIES THAT ARE OFFERED BY A
22 SCHOOL, FACULTY MEMBER, SCHOOL ADMINISTRATOR, SCHOOL EMPLOYEE, SCHOOL
23 OFFICIAL OR SCHOOL CONTRACTOR.
24 Sec. 2. Heading change
25 A. The chapter heading of title 15, chapter 18, Arizona Revised
26 Statutes, is changed from "HAZING PREVENTION POLICIES" to "HOSTILE
27 EDUCATION ENVIRONMENT PREVENTION".
28 B. The article heading of title 15, chapter 18, article 1, Arizona
29 Revised Statutes, is changed from "GENERAL PROVISIONS" to "HAZING
30 PREVENTION POLICIES".
31 Sec. 3. Title 15, chapter 18, Arizona Revised Statutes, is amended
32 by adding article 2, to read:
33 ARTICLE 2. ANTISEMITISM PREVENTION
34 15-2311. Antisemitism and anti-Semitic conduct, acts or
35 processes; prohibitions; discipline; enforcement;
36 civil liability; policies; definitions
37 A. A FACULTY MEMBER, ADMINISTRATOR, EMPLOYEE, CONTRACTOR OR
38 VOLUNTEER OF A HIGHER EDUCATION INSTITUTION MAY NOT:
39 1. TEACH, INSTRUCT OR TRAIN STUDENTS IN ANY ANTISEMITISM OR
40 ANTI-SEMITIC CONDUCT, ACT OR PROCESS THAT CONSTITUTES HARASSMENT OR
41 DISCRIMINATION AND THAT CREATES A HOSTILE EDUCATION ENVIRONMENT.
42 2. PROMOTE OR PROVIDE PROFESSIONAL DEVELOPMENT IN ANY ANTISEMITISM
43 OR ANTI-SEMITIC CONDUCT, ACT OR PROCESS THAT CONSTITUTES HARASSMENT OR

1 DISCRIMINATION AND THAT CREATES A HOSTILE WORK ENVIRONMENT OR A HOSTILE
2 EDUCATION ENVIRONMENT.

3 3. CALL FOR GENOCIDE OF ANY GROUP OF PERSONS OR FOR THE MURDER OF
4 MEMBERS OF A PARTICULAR GROUP.

5 4. REQUIRE A STUDENT TO ADVOCATE FOR AN ANTI-SEMITIC POINT OF VIEW
6 OR TO PROMOTE ANTI-SEMITIC CONDUCT TO RECEIVE CREDIT ACROSS EVERY SUBJECT
7 AREA FOR COURSEWORK OR TO RECEIVE CREDITS THAT ARE NECESSARY FOR THE
8 STUDENT TO COMPLETE A DEGREE OR CERTIFICATE PROGRAM.

9 B. HIGHER EDUCATION INSTITUTIONS AND FACULTY MEMBERS, EMPLOYEES AND
10 CONTRACTORS OF HIGHER EDUCATION INSTITUTIONS MAY NOT:

11 1. APPLY FOR, SOLICIT, RECEIVE OR USE MONIES OR IN-KIND GOODS OR
12 SERVICES FROM ANY SOURCE FOR THE PURPOSE OF:

13 (a) TEACHING, INSTRUCTING OR TRAINING STUDENTS IN ANTISEMITISM OR
14 ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES.

15 (b) DEVELOPING, PURCHASING OR ACQUIRING A CURRICULUM OR COURSE
16 MATERIALS FOR A COURSE THAT PROMOTES ANTISEMITISM OR ANTI-SEMITIC CONDUCT,
17 ACTS OR PROCESSES.

18 (c) PROVIDING TRAINING OR PROFESSIONAL DEVELOPMENT FOR A COURSE
19 THAT PROMOTES ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES.

20 (d) HIRING OR RETAINING A CONTRACTOR FOR ANY PURPOSE DESCRIBED IN
21 SUBDIVISION (a), (b) OR (c) OF THIS PARAGRAPH.

22 2. USE ANY PUBLIC MONIES TO SUPPORT THE COSTS OF TEACHING
23 ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES.

24 3. PROVIDE GRANTS OR OTHER MONIES TO OTHER HIGHER EDUCATION
25 INSTITUTIONS OR FACULTY MEMBERS, EMPLOYEES OR CONTRACTORS OF HIGHER
26 EDUCATION INSTITUTIONS TO SUPPORT THE COSTS OF TEACHING ANTISEMITISM OR
27 ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES.

28 4. ACCEPT OR USE MONIES THAT ARE INTENDED OR REQUIRED TO BE USED TO
29 SUPPORT THE COSTS OF TEACHING OR PROMOTING ANTISEMITISM OR ANTI-SEMITIC
30 CONDUCT, ACTS OR PROCESSES TO STUDENTS WHO ARE ENROLLED IN A HIGHER
31 EDUCATION INSTITUTION.

32 C. A HIGHER EDUCATION INSTITUTION MAY NOT:

33 1. TAKE ANY ADVERSE EMPLOYMENT ACTION AGAINST A FACULTY MEMBER,
34 ADMINISTRATOR, EMPLOYEE OR CONTRACTOR BECAUSE THE INDIVIDUAL REFUSED TO
35 TEACH OR PROMOTE ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES
36 OR TO SUPPORT, BELIEVE, ENDORSE, EMBRACE, CONFESS, ACT ON OR OTHERWISE
37 ASSIST ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES. FOR THE
38 PURPOSES OF THIS PARAGRAPH, "ADVERSE EMPLOYMENT ACTION" INCLUDES PENALTIES
39 AND DISCRIMINATION.

40 2. REQUIRE A FACULTY MEMBER, ADMINISTRATOR, EMPLOYEE OR CONTRACTOR
41 TO COMPLETE A CURRICULUM THAT INCLUDES ANY ANTISEMITISM OR ANTI-SEMITIC
42 CONDUCT, ACT OR PROCESS AS A CONDITION OF EMPLOYMENT OR CONTINUED
43 EMPLOYMENT.

1 D. A STUDENT, A STUDENT'S PARENT, A FACULTY MEMBER OR A MEMBER OF
2 THE PUBLIC MAY REPORT AN ALLEGED VIOLATION OF THIS SECTION TO THE HIGHEST
3 RANKING OFFICIAL AT A HIGHER EDUCATION INSTITUTION OR THE OFFICIAL'S
4 DESIGNEE. A REPORT MADE PURSUANT TO THIS SUBSECTION MAY IDENTIFY MULTIPLE
5 ALLEGED VIOLATIONS OF THIS SECTION. THE OFFICIAL OR DESIGNEE SHALL
6 INITIATE AN INTERNAL INVESTIGATION OF ANY REPORT RECEIVED PURSUANT TO THIS
7 SUBSECTION NOT LATER THAN FIFTEEN DAYS AFTER RECEIPT. THE OFFICIAL OR
8 DESIGNEE SHALL DETERMINE IN WRITING WHETHER A VIOLATION OCCURRED AND, IF
9 THE SUBJECT OF THE REPORT IS ONE OR MORE INDIVIDUALS, WHETHER EACH
10 INDIVIDUAL KNOWINGLY OR RECKLESSLY VIOLATED THIS SECTION. IF THE OFFICIAL
11 OR DESIGNEE DETERMINES THAT A VIOLATION OCCURRED, THE OFFICIAL OR DESIGNEE
12 SHALL ACT TO CORRECT THE VIOLATION WITHIN THIRTY DAYS AFTER RECEIVING THE
13 REPORT, AND SHALL TAKE THE APPROPRIATE ACTION AGAINST THE INDIVIDUAL
14 PURSUANT TO SUBSECTION F OF THIS SECTION.

15 E. A STUDENT, A STUDENT'S PARENT, A FACULTY MEMBER OR A MEMBER OF
16 THE PUBLIC MAY FILE A COMPLAINT WITH THE ARIZONA BOARD OF REGENTS OR THE
17 COMMUNITY COLLEGE DISTRICT GOVERNING BOARD, WHICHEVER APPLIES, FOR AN
18 ALLEGED VIOLATION OF THIS SECTION AFTER THE HIGHER EDUCATION INSTITUTION
19 THAT IS THE SUBJECT OF THE COMPLAINT HAS HAD THE OPPORTUNITY TO RESOLVE
20 THE COMPLAINT AS PRESCRIBED IN SUBSECTION D OF THIS SECTION. IF THE BOARD
21 DETERMINES THAT A VIOLATION OCCURRED, THE BOARD SHALL NOTIFY THE HIGHER
22 EDUCATION INSTITUTION THAT IT IS IN VIOLATION OF THIS SECTION. IF THE
23 BOARD DETERMINES THAT A FACULTY MEMBER, ADMINISTRATOR, EMPLOYEE OR
24 CONTRACTOR KNOWINGLY OR RECKLESSLY VIOLATED THIS SECTION, THE BOARD SHALL
25 NOTIFY THE HIGHEST RANKING OFFICIAL AT THE HIGHER EDUCATION INSTITUTION,
26 OR THE OFFICIAL'S DESIGNEE, AND THE OFFICIAL OR DESIGNEE SHALL TAKE THE
27 APPROPRIATE ACTION AGAINST THE FACULTY MEMBER, ADMINISTRATOR, EMPLOYEE OR
28 CONTRACTOR PURSUANT TO SUBSECTION F OF THIS SECTION.

29 F. NOTWITHSTANDING SECTION 15-1896, IF AN OFFICIAL OR DESIGNEE IS
30 NOTIFIED THAT A FACULTY MEMBER, ADMINISTRATOR, EMPLOYEE OR CONTRACTOR HAS
31 BEEN FOUND TO HAVE KNOWINGLY OR RECKLESSLY VIOLATED THIS SECTION PURSUANT
32 TO SUBSECTION E OR G OF THIS SECTION OR IF, FOLLOWING AN INVESTIGATION
33 CONDUCTED PURSUANT TO SUBSECTION D OF THIS SECTION, THE OFFICIAL OR
34 DESIGNEE DETERMINES THAT A FACULTY MEMBER, ADMINISTRATOR, EMPLOYEE OR
35 CONTRACTOR KNOWINGLY OR RECKLESSLY VIOLATED THIS SECTION, THE OFFICIAL OR
36 DESIGNEE SHALL TAKE THE FOLLOWING ACTION AGAINST THE FACULTY MEMBER,
37 ADMINISTRATOR, EMPLOYEE OR CONTRACTOR:

- 38 1. FOR A FIRST VIOLATION, ISSUE A FORMAL REPRIMAND.
- 39 2. FOR A SECOND VIOLATION, SUSPEND THE INDIVIDUAL WITHOUT PAY FOR A
40 PERIOD OF TIME DETERMINED BY THE OFFICIAL BASED ON THE SEVERITY AND
41 CIRCUMSTANCES OF THE VIOLATION.
- 42 3. FOR A THIRD VIOLATION, TERMINATE THE INDIVIDUAL'S EMPLOYMENT.

43 G. AFTER THE ARIZONA BOARD OF REGENTS OR THE COMMUNITY COLLEGE
44 DISTRICT GOVERNING BOARD, WHICHEVER APPLIES, MAKES A DETERMINATION

1 PURSUANT TO SUBSECTION E OF THIS SECTION, A STUDENT WHO IS AT LEAST
2 EIGHTEEN YEARS OF AGE OR THE PARENT OF A MINOR STUDENT MAY BRING AN ACTION
3 IN A COURT OF COMPETENT JURISDICTION TO ENJOIN ANY VIOLATION OF THIS
4 SECTION THAT CREATES A HOSTILE EDUCATION ENVIRONMENT FOR THE STUDENT.
5 NOTWITHSTANDING ANY OTHER LAW, AN INDIVIDUAL OR A HIGHER EDUCATION
6 INSTITUTION THAT IS A NAMED DEFENDANT IN A CIVIL ACTION THAT IS BROUGHT
7 PURSUANT TO THIS SUBSECTION IS NOT IMMUNE FROM CIVIL LIABILITY, AND EACH
8 INDIVIDUAL IS PERSONALLY LIABLE FOR ANY DAMAGES ARISING FROM THE
9 INDIVIDUAL'S CONDUCT IN VIOLATION OF THIS SECTION. A HIGHER EDUCATION
10 INSTITUTION MAY NOT USE TAXPAYER MONIES TO SATISFY A JUDGMENT THAT IS
11 ENTERED AGAINST THE HIGHER EDUCATION INSTITUTION IN AN ACTION BROUGHT
12 PURSUANT TO THIS SUBSECTION OR TO REIMBURSE AN INDIVIDUAL DEFENDANT WHO IS
13 FOUND LIABLE FOR A VIOLATION OF THIS SECTION. A COURT MAY AWARD ACTUAL
14 DAMAGES, CONSEQUENTIAL DAMAGES, PUNITIVE DAMAGES, COURT COSTS AND
15 REASONABLE ATTORNEY FEES IN AN ACTION BROUGHT PURSUANT TO THIS SUBSECTION.
16 A COURT SHALL HOLD A TRIAL DE NOVO FOR AN ACTION BROUGHT PURSUANT TO THIS
17 SUBSECTION AND SHALL DECIDE ALL QUESTIONS OF FACT WITHOUT DEFERENCE TO ANY
18 PREVIOUS DETERMINATION THAT HAS BEEN MADE PURSUANT TO THIS SECTION. TO
19 PREVAIL IN AN ACTION BROUGHT PURSUANT TO THIS SUBSECTION, THE STUDENT OR
20 STUDENT'S PARENT MUST PROVE BY A PREPONDERANCE OF THE EVIDENCE THAT EACH
21 ALLEGED VIOLATION OCCURRED AND MET ALL OF THE FOLLOWING:

- 22 1. WAS COMMITTED BY ONE OR MORE NAMED DEFENDANTS.
- 23 2. WAS CHARACTERIZED BY ANTISEMITISM.
- 24 3. WAS NOT SPEECH PROTECTED BY THE CONSTITUTION OF ARIZONA OR THE
25 FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.
- 26 4. CREATED A HOSTILE EDUCATION ENVIRONMENT FOR THE STUDENT.

27 H. THIS SECTION DOES NOT PROHIBIT ANY INDIVIDUAL FROM DISCUSSING OR
28 USING INSTRUCTIONAL MATERIALS AS A PART OF A COURSE OF INSTRUCTION ABOUT
29 THE HISTORY OF JEWS, JUDAISM OR THE STATE OF ISRAEL. THIS SECTION DOES
30 NOT DIMINISH OR INFRINGE ON ANY RIGHT PROTECTED UNDER THE CONSTITUTION OF
31 ARIZONA OR THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

- 32 I. EACH HIGHER EDUCATION INSTITUTION SHALL:
 - 33 1. REVISE THE HIGHER EDUCATION INSTITUTION'S POLICIES AND
34 PROCEDURES, INCLUDING ANY POLICY RELATING TO TENURE, TO IMPLEMENT AND
35 ENFORCE THIS SECTION AND NOTIFY ALL EMPLOYEES AND CONTRACTORS OF THE
36 REVISED POLICIES.
 - 37 2. IN ANY EMPLOYMENT OR TENURE DECISION, CONSIDER AS A NEGATIVE
38 FACTOR ANY CONFIRMED REPORT THAT A FACULTY MEMBER, ADMINISTRATOR, EMPLOYEE
39 OR CONTRACTOR OF THE HIGHER EDUCATION INSTITUTION HAS VIOLATED THIS
40 SECTION.
 - 41 3. REVIEW THE HIGHER EDUCATION INSTITUTION'S GRANT AND SCHOLARSHIP
42 PROGRAMS TO DETERMINE WHETHER ANY PROGRAM REQUIRES RECIPIENTS TO CERTIFY
43 THAT THE RECIPIENTS WILL NOT USE MONIES RECEIVED THROUGH THE GRANT OR

1 SCHOLARSHIP PROGRAM TO PROMOTE ANY ANTISEMITISM OR ANTI-SEMITIC CONDUCT,
2 ACT OR PROCESS.

3 4. REVIEW THE HIGHER EDUCATION INSTITUTION'S EMPLOYEE TRAINING
4 PROGRAMS TO ENSURE THAT EACH PROGRAM COMPLIES WITH THE REQUIREMENTS OF
5 THIS SECTION.

6 5. ENSURE THAT EACH EMPLOYEE AND CONTRACTOR OF THE HIGHER EDUCATION
7 INSTITUTION COMPLIES WITH THE REQUIREMENTS OF THIS SECTION, INCLUDING ANY
8 CONTRACTOR THAT IS HIRED BY THE HIGHER EDUCATION INSTITUTION TO PROVIDE
9 TRAINING OR A WORKSHOP, FORUM OR OTHER PROGRAM TO THE HIGHER EDUCATION
10 INSTITUTION'S EMPLOYEES.

11 6. TAKE ACTIONS TO ENCOURAGE THE FACULTY MEMBERS, ADMINISTRATORS,
12 EMPLOYEES AND CONTRACTORS OF THE HIGHER EDUCATION INSTITUTION TO NOT
13 DISCRIMINATE AGAINST THE INDIVIDUAL'S JEWISH AND NON-JEWISH COLLEAGUES ON
14 THE BASIS OF EITHER:

15 (a) THE COLLEAGUE'S RELIGION, ETHNICITY, SUPPORT FOR THE STATE OF
16 ISRAEL OR SUPPORT FOR THE JEWISH PEOPLE.

17 (b) ONE OR MORE OF THE COLLEAGUE'S CHARACTERISTICS THAT ARE
18 PROTECTED BY FEDERAL LAW OR THE LAWS OF THIS STATE.

19 7. PROTECT EACH GUEST LECTURER AND, IF APPLICABLE, STUDENT
20 ORGANIZATION THAT INVITES A GUEST LECTURER AGAINST ANY DEMONSTRATOR WHO
21 ENGAGES IN ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES.

22 8. REFUSE TO RECOGNIZE OR SHALL REVOKE THE RECOGNITION OF AND
23 SUPPORT FOR ANY STUDENT ORGANIZATION THAT EITHER:

24 (a) INVITES A GUEST SPEAKER WHO INCITES ANY ANTISEMITISM OR
25 ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES ON THE HIGHER EDUCATION
26 INSTITUTION'S CAMPUS.

27 (b) ORGANIZES, PROMOTES, INCITES OR INVITES THE STUDENT
28 ORGANIZATION'S MEMBERS TO ENGAGE IN ANY ANTISEMITISM OR ANTI-SEMITIC
29 CONDUCT, ACTS OR PROCESSES.

30 (c) ENGAGES IN ANY ACT, CONDUCT OR PROCESS CALLING FOR GENOCIDE OF
31 ANY GROUP OF PERSONS OR FOR THE MURDER OF MEMBERS OF A PARTICULAR GROUP,
32 TO THE EXTENT THAT THE ACT, CONDUCT OR PROCESS CREATES A HOSTILE EDUCATION
33 ENVIRONMENT.

34 J. FOR THE PURPOSES OF THIS SECTION:

35 1. "ANTISEMITISM" MEANS ANTISEMITISM AS DEFINED BY THE
36 INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE ON MAY 26, 2016 AND AS
37 ADOPTED BY THE UNITED STATES DEPARTMENT OF STATE, INCLUDING THE
38 CONTEMPORARY EXAMPLES OF ANTISEMITISM IDENTIFIED IN THE ADOPTED
39 DEFINITION, IF THE ANTISEMITISM IS AT LEAST ONE OF THE FOLLOWING:

40 (a) AN ACT OR ACTS.

41 (b) SPEECH THAT IS NOT PROTECTED BY EITHER THE CONSTITUTION OF
42 ARIZONA OR THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

43 2. "HIGHER EDUCATION INSTITUTION" MEANS EITHER OF THE FOLLOWING:

1 (a) A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
2 REGENTS.
3 (b) A COMMUNITY COLLEGE AS DEFINED IN SECTION 15-1401.
4 3. "HOSTILE EDUCATION ENVIRONMENT" MEANS AN ENVIRONMENT IN WHICH
5 HARASSMENT OR DISCRIMINATION IS SO SEVERE, PERVASIVE OR PERSISTENT THAT IT
6 INTERFERES WITH OR LIMITS A STUDENT'S ABILITY TO PARTICIPATE IN OR BENEFIT
7 FROM THE SERVICES, ACTIVITIES OR OPPORTUNITIES THAT ARE OFFERED BY A
8 SCHOOL, FACULTY MEMBER, SCHOOL ADMINISTRATOR, SCHOOL EMPLOYEE, SCHOOL
9 OFFICIAL OR SCHOOL CONTRACTOR.
10 Sec. 4. Notification to public schools and higher education
11 institutions
12 Not later than thirty days after the effective date of this act:
13 1. The department of education shall transmit a copy of this act to
14 each public school in this state.
15 2. The Arizona board of regents shall transmit a copy of this act
16 to each university under the jurisdiction of the Arizona board of regents.
17 Sec. 5. Short title
18 This act may be cited as "Antisemitism in Education Act".