



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 that is invited to, a public school, school district or state agency that is involved with students or teachers of preschool or kindergarten programs or any of grades 1 through 12 (state agency) from providing instruction to students or employees that promotes or advocates for specified concepts relating to race and ethnicity. 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 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 an employee of, or an individual or organization that is invited to, a public school, school district or state agency from providing instruction to students or employees that promotes or advocates for any of the following concepts:
 - a) judging an individual on the basis of the individual's 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 or blame 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. Specifies that the prohibition does not prevent an employee of, or individual or organization invited to, a public school, school district or state agency from identifying and discussing historical movements, ideologies or instances of racial hatred or discrimination, including slavery, Indian removal, the Holocaust or Japanese-American internment.
3. Defines *employee* as an employee of a public school, school district or state agency who is acting in the course of the employee's official duties.
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.
5. Defines *state agency* as a state agency that is involved with students or teachers of preschool or kindergarten programs or any of grades 1 through 12.

Internal Complaint Process

6. Allows the employee, student or parent of a student that allegedly receives instruction in violation of the prohibition to file a complaint with an appropriate administrator designated by the public school, school district or state agency.
7. Identifies, as designated administrators:
 - a) the school district superintendent for a school district or school operated by a school district; and
 - b) the charter school operator for a charter school.
8. Directs the designated administrator to determine whether the violation occurred and, if a violation occurred, act to resolve the complaint.

9. Allows an employee, student or parent to appeal a designated administrator's determination or action by filing a complaint with the school district governing board (governing board) or charter school governing body (governing body).
10. Directs the governing board or governing body 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 board or governing body to include an explanation of the decision.
12. 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 by the SBE or SPI

13. Authorizes an employee, student or parent to file a complaint with the SBE or the SPI after the school, district or agency that is the subject of the complaint has had an opportunity to resolve the complaint according to the prescribed complaint process.
14. Directs the SBE or SPI to notify a public school, school district or state agency that is determined to be in violation of the prohibition.
15. Authorizes the SBE or SPI to impose a civil penalty on a public school, school district or state agency that is determined to be in violation of up to \$5,000 for each violation.
16. Directs, if the SBE or SPI determines the public school, school district or state agency has failed to correct the violation, the SBE or SPI to impose a civil penalty of up to \$5,000 for each day the violation continues after the 30-day period.
17. Subjects, to the administrative decisions review process, SBE and SPI actions relating to enforcement of the prohibition.
18. Subjects, to disciplinary action as the SBE deems appropriate, a certificated or noncertificated person who violates the prohibition on instruction promoting or advocating for the specified concepts, including suspension or revocation of the person's certificate or disciplinary action.

Miscellaneous

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

Amendments Adopted by the House of Representatives

- Adopted the strike-everything amendment.

Amendments Adopted by Conference Committee

1. Applies the prohibition to an employee of, or an individual or organization invited to, a public school, school district or state agency involved with students and teachers of preschool programs through grade 12, rather than of a public educational institution.
2. Removes the authorization for the Attorney General and county attorney to file suit in superior court and for a student, employee or parent to appeal a complaint decision or action to superior court.
3. Authorizes a student, employee or parent to file a complaint with the SBE or SPI after the public school, school district or state agency has had the opportunity to resolve the complaint.
4. Authorizes the SBE or SPI to impose a civil penalty of up to \$5,000 per violation and requires, if a public school, school district or state agency fails to correct the violation after 30 days, the SBE or SPI to impose a civil penalty of up to \$5,000 per day.
5. Subjects noncertificated persons to disciplinary action by the SBE.
6. Modifies certain prohibited concepts.
7. Makes conforming changes.

House Action

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

Prepared by Senate Research

June 22, 2022

LB/sr