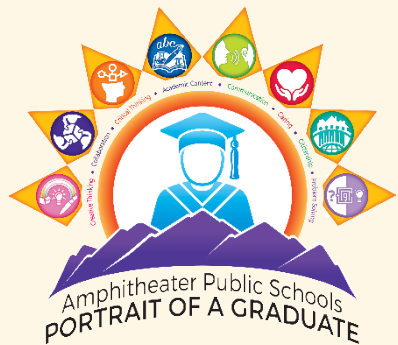


March 28, 2023
Legislative Update



Michelle H. Tong, J.D.
Associate to the Superintendent and General Counsel



Arizona State Legislative Session Statistics*

*As of Monday, March 27, 2023



Bills Introduced: 1528



Bills Transmitted to Governor: 18



Bills Vetoed by Governor: 16



Resolutions Introduced: 102



Resolutions Passed: 9



House: 6



Senate: 3



Arizona State Legislative Deadlines



April 14: Last day for consideration of bills in committees



April 18: 100th Day of Session



Sine Die adjournment unless leadership extends





EDUCATION BILL VETOED BY GOVERNOR

SB1305/HB 2458 (RACE; ETHNICITY; PROHIBITED INSTRUCTION)

- Third time bill posted:
 - Originally signed into law as Laws 2021, chapter 404 (part of the FY2021-22 budget) but were deemed unconstitutional by the Arizona Supreme Court in Arizona School Boards Association *et al* v. State of Arizona
 - Offered but did not pass last year
 - Passed and transmitted to Governor this year – Governor vetoed 3/9/23
- Prohibits a school district or its employees from providing or allowing any person to provide instruction to students or employees that promotes or advocates for any of a list of concepts related to race and ethnicity, which includes that:
 - One race or ethnic group is inherently morally or intellectually superior to another race or ethnic group,
 - An individual, by virtue of the individual's race or ethnicity, is inherently racist or oppressive,
 - 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
 - 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
- Permits complaints to the State Board of Education (SBE) or State Superintendent of Public Instruction (SSPI) for an alleged violation after the school or agency has had the opportunity to resolve the complaint, with a civil penalty to the school district of up to \$5,000 per violation and potential discipline (including possible loss of certificate) for the employee

Bills Discussed Earlier that Focused on Repeal (Not Transmitted to Other House)

- HB 2068 (Team Designations; Biological Sex; Repeal)
- HB 2460 (Suspension; Requirements; K-4 Students)
- HCR 2026 (Schools, English Language Learners; Requirements)



Bills Discussed Earlier that Focused on School Money (Not Transmitted to Other House)

- HB 2114 (Appropriation; Financial Aid Trust Fund)
- HB 2146 (Full-day Kindergarten Students; ADM)
- HB 2147 (School Funding; Inflation Adjustment)
- HB 2800 (Teacher Salary Increases; Public Schools)





Transmitted Education Bills Of Note



SCR 1002

CONSTITUTIONAL AMENDMENTS; SIXTY PERCENT APPROVAL

The 2024 general election ballot is to carry the question of whether to amend the state Constitution to require approval by 60 percent of the votes cast on the measure for an initiative or referendum measure that amends the state Constitution to become law, instead of a majority of the votes cast



HB 2060

PUBLIC SCHOOLS; REQUIREMENTS; REVISIONS

Public schools may satisfy statutory posting requirements by making a link to a posting from their website or posting the information on the website



HB 2144

OPEN MEETINGS; CAPACITY; POSTING; VIOLATION

- Not specific to school districts
- All public bodies are required to provide an amount of seating sufficient to accommodate the reasonably anticipated attendance of person desiring to attend the deliberations and proceedings, when feasible
- The agenda for a public meeting is required to include the notice of the time that the public will have physical access to the meeting place
- A head of a public body that violates this requirement is liable for a civil penalty as provided in statute for open meeting law violations



HB 2291

SCHOOL DISTRICTS; SUPERINTENDENTS; CONTRACTS

- A school district governing board is authorized to rescind or terminate any employment contract between a superintendent and a school district if:
 - The board determines that the superintendent has violated a district policy prescribed by the board, or
 - One or more schools operated by a school district have been assigned a letter grade of D or F for at least 3 years
- If the governing board terminates an employment contract under these circumstances, the superintendent is not entitled to recover damages for the early termination or compensation for the remainder of the term of the contract
- Applies prospectively to all *NEW* contracts entered into after the effective date of the legislation



HB 2523

SCHOOLS; PLEDGE OF ALLEGIANCE; REQUIREMENT

- Every student (K-12) must recite the Pledge of Allegiance to the United States flag during the time set aside each day at all district and charter schools in Arizona
- At the request of a parent or a student over 18, the student may be excused from this requirement



HB 2533

CLASSROOM INSTRUCTION; POSTING REQUIREMENTS

Each school district (and charter school) shall post an electronic copy of all of the following on its website free of charge:

- each educational course of study offered by each school in the school district
- a list of all learning materials, including the source of any supplemental educational materials, that are being used in each school in the school district
- each lesson plan that is being used or implemented in each school in the school district



HB 2808

PUBLIC RECORDS; TIME FRAME

- Not specific to school districts
- A custodian of public records is required to furnish copies, printouts, or photographs within 5 business days after receiving a request for the records
- Allows an entity to extend the time for response for specified reasons
- Violation can result in a civil penalty to the public body of \$500 per day, up to \$5,000 in total for each request

SB 1001

PRONOUNS; BIOLOGICAL SEX; SCHOOL POLICIES

- Prohibits a school district or charter school employee or independent contractor from knowingly referring to a student under 18 years old by a pronoun that differs from the pronoun that aligns with the person's biological sex without parental permission
- Precludes a school district or charter school from requiring an employee or independent contractor to use a pronoun that differs from a person's biological sex if doing so is contrary to their convictions



SB 1040

PUBLIC SCHOOLS; RESTROOMS; REASONABLE ACCOMMODATIONS

- Requires a public school to provide a reasonable accommodation to a person who, for any reason, is unwilling or unable to use a multi-occupancy restroom, changing room, or sleeping quarters and requests an accommodation from the public school in writing
- Reasonable accommodation may be:
 - Access to a single-occupancy restroom or changing facility; or
 - Employee restroom or changing facility
 - NOT: access to a restroom or changing facility designated for use by persons of the opposite sex while persons of the opposite sex are, or could be, present
- Grants a private cause of action, against the public school, if:
 - The request is denied without evidence of undue hardship to the school, or
 - A person encounters a person of the opposite sex while using the restroom, changing facility or sleeping quarters and the person of the opposite sex had permission to be there





SB 1044

STUDENT DISCIPLINE; NONATTENDANCE; SUSPENSION; REQUIREMENTS

If a student is suspended from school for nonattendance, including being truant or having an unexcused absence for less than one class period during the day, the person imposing the suspension is required to transfer the suspended student to a location on school premises that is isolated from other students and provide the suspended student with academic work during the suspension period

Status: 2/7 Senate majority and minority caucus, *do pass*; 1/23 Senate Second Read; 1/19 Senate First Read

SB 1564

NONPUBLIC SCHOOL STUDENTS; INTERSCHOLASTIC ACTIVITIES

Students who are educated using an ESA or at a private school with fewer than 100 enrolled students must be allowed to try out for interscholastic activities on behalf of a public school in the same manner as that school's enrolled students



SB 1700

SCHOOLS; SCHOOL LIBRARIES; BOOKS; PROHIBITIONS

- Permits a parent to object to a book that is available to students in the library or that will be used for classroom instruction and request its removal from the school library or classroom
- Requires a governing board to exclude from schools, including school libraries, all books, publications, papers or audiovisual materials that are lewd or sexual in nature, promote gender fluidity or gender pronouns or groom children into normalizing pedophilia
- Extends posting time for book acquisition from 60 to 120 days



SB 1323

SCHOOLS; SEXUALLY EXPLICIT MATERIALS; CLASSIFICATION

- Last year, ARS 15-113 and 15-120.03 were signed into law to prohibit referrals to sexually explicit material and require parent consent under certain circumstances
- Definition of sexually explicit material was defined in those statutes
- This bill adds a provision to ARS 15-120.03 to make it a class 5 felony for a school employee or independent contractor to refer a student or to use any sexually explicit material

