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The Arizona State Legislation: HB 2281

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From the Arizona State Legislature Website:

House of Representatives

HB 2281

prohibited courses; discipline; schools

http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/summary/h.hb2281_03-18-10_houseengrossed.doc.htm&Session_ID=93

HB 2281 prohibits a school district or charter school from including courses or classes that either promote the overthrow of the United States government or promote resentment toward a race or class of people.

History

The State Board of Education (SBE) must prescribe a minimum course of study, incorporating Arizona's academic standards, to be taught in Arizona public schools (Arizona Revised Statutes (A.R.S.) § 15-701). School district governing boards must approve the course of study, including the basic textbook for each approved course and all other units recommended for credit before implementing each course in both elementary and high schools. Pursuant to A.R.S. § 15-701.01, a governing board may adopt courses of study that are in addition to or higher than that prescribed by the SBE.

Current law requires the principal of each school to ensure that all rules pertaining to the discipline, suspension, and expulsion of pupils are communicated to students at the beginning of each school year. All cases of suspension must be for good cause and must be reported within five days to the governing board by the superintendent or person imposing the suspension. The school district governing board is required to post regular notices and take minutes of any hearing concerning the discipline, suspension, or expulsion of a pupil (A.R.S § 15-843).

Provisions

- States that the Legislature finds and declares that public school pupils should be taught to treat and value each other as individuals and not be taught to resent or hate other races or classes of people.
- Prohibits a school district or charter school from including in its program of instruction any courses or classes that:
 - Ø Promote the overthrow of the United States government.
 - Promote resentment toward a race or class of people.
 - Are designed primarily for pupils of a particular ethnic group.
 - Advocate ethnic solidarity instead of the treatment of pupils as individuals.
- States that if the SBE determines that a school district or charter school is offering a course that violates this act, the SBE must direct the Superintendent of Public Instruction (Superintendent) to notify the school district or charter school that it is in violation.
- Stipulates that if the SBE determines that the school district or charter school has failed to comply within 60 days after a notice has been issued by the Superintendent, the SBE may direct the ADE to withhold up to 10% of the monthly apportionment of state aid that would otherwise be due to the school district or charter school and requires ADE to adjust the school district or charter school's apportionment accordingly.
- Specifies when the SBE determines that the school district or charter school is in compliance with not offering a prohibited course, ADE must restore the full amount of state aid payments to the school district or charter school.
- Stipulates that actions taken under this act are subject to appeal pursuant to laws relating to uniform administrative hearing procedures.
- States that this act cannot be construed to restrict or prohibit:
 - Courses or classes for Native American pupils that are required to comply with federal law.

- The grouping of pupils according to academic performance, including capability in the English language, that may result in a disparate impact by ethnicity.
- Courses or classes that include the history of any ethnic group and that are open to all students, unless the course or class violates this act.
- Prohibits rules pertaining to the discipline, suspension, and expulsion of pupils from being based on race, color, religion, sex, national origin, or ancestry.
- States that if the ADE, the Auditor General, or the Attorney General determines that a school district is substantially and deliberately not in compliance with pupil disciplinary actions and if the school district has failed to correct the deficiency within 90 days after receiving notice from the ADE, the Superintendent may withhold the monies the school district would otherwise be entitled to receive from the date of the determination of noncompliance until the ADE determines that the school district is in compliance.