

REFERENCE TITLE: teachers; instructors; prohibited activity

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1612

Introduced by
Senators Verschoor: Gray L, Johnson

AN ACT

AMENDING SECTION 15-511, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8; RELATING TO SCHOOL TEACHERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-511, Arizona Revised Statutes, is amended to
3 read:

4 15-511. Use of school district or charter school resources or
5 employees to influence elections; prohibition;
6 additional responsibilities of teachers; civil
7 penalty; unprofessional conduct; definition

8 A. A person acting on behalf of a school district or a person who aids
9 another person acting on behalf of a school district shall not use school
10 district or charter school personnel, equipment, materials, buildings or
11 other resources for the purpose of influencing the outcomes of
12 elections. Notwithstanding this section, a school district may distribute
13 informational reports on a proposed budget override election as provided in
14 section 15-481, subsections B and C or informational reports on a proposed
15 bond election as provided in section 15-491, subsection D. Nothing in this
16 section precludes a school district from reporting on official actions of the
17 governing board.

18 B. An employee of a school district or charter school who is acting as
19 an agent of or working in an official capacity for the school district or
20 charter school may not give pupils written materials to influence the outcome
21 of an election or to advocate support for or opposition to pending or
22 proposed legislation.

23 C. Employees of a school district or charter school may not use the
24 authority of their positions to influence the vote or political activities of
25 any subordinate employee.

26 D. A TEACHER WHO IS ACTING AS AN AGENT OF OR WHO IS WORKING IN AN
27 OFFICIAL CAPACITY FOR A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL NOT:

28 1. ENDORSE, SUPPORT OR OPPOSE ANY CANDIDATE OR NOMINEE FOR LOCAL,
29 STATE OR FEDERAL PUBLIC OFFICE OR ANY ELECTED OR APPOINTED LOCAL, STATE OR
30 FEDERAL OFFICIAL.

31 2. ENDORSE, SUPPORT OR OPPOSE ANY PENDING, PROPOSED OR ENACTED LOCAL,
32 STATE OR FEDERAL LEGISLATION, REGULATION OR RULE.

33 3. ENDORSE, SUPPORT OR OPPOSE ANY PENDING OR PROPOSED LITIGATION IN A
34 LOCAL, STATE OR FEDERAL COURT OR ENDORSE, SUPPORT OR OPPOSE ANY JUDICIAL
35 ACTION TAKEN BY A LOCAL, STATE OR FEDERAL COURT.

36 4. ADVOCATE ONE SIDE OF A SOCIAL, POLITICAL OR CULTURAL ISSUE THAT IS
37 A MATTER OF PARTISAN CONTROVERSY.

38 5. ENDORSE, SUPPORT OR ENGAGE IN ANY ACTIVITIES THAT HAMPER OR IMPEDE
39 THE LAWFUL ACCESS OF MILITARY RECRUITERS TO CAMPUS.

40 6. ENDORSE, SUPPORT OR ENGAGE IN ANY ACTIVITIES THAT HAMPER OR IMPEDE
41 THE ACTIONS OF LOCAL, STATE OR FEDERAL LAW ENFORCEMENT.

42 ~~D.~~ E. Nothing contained in this section shall be construed as denying
43 the civil and political liberties of any person as guaranteed by the United
44 States and Arizona Constitutions.

1 ~~E.~~ F. ~~By January 1, 2004,~~ The attorney general shall publish and
2 distribute to school districts and charter schools a detailed guideline
3 regarding activities prohibited under this section. The attorney general may
4 distribute these guidelines through a ~~web-site~~ WEBSITE or electronically.

5 G. BY JANUARY 1, 2008, THE STATE BOARD OF EDUCATION SHALL PUBLISH AND
6 DISTRIBUTE TO SCHOOL DISTRICTS, CHARTER SCHOOLS, TEACHERS, PARENTS AND PUPILS
7 DETAILED GUIDELINES REGARDING THE RIGHTS AND RESPONSIBILITIES OF SCHOOL
8 DISTRICTS, CHARTER SCHOOLS, TEACHERS, PARENTS AND PUPILS UNDER SUBSECTION D
9 OF THIS SECTION.

10 H. IN ADDITION TO THE CIVIL PENALTY PRESCRIBED IN THIS SECTION, A
11 CERTIFICATED TEACHER WHO VIOLATES SUBSECTION D OF THIS SECTION SHALL BE
12 DEEMED TO COMMIT AN UNPROFESSIONAL ACT AND SHALL BE SUBJECT TO DISCIPLINARY
13 ACTION, INCLUDING SUSPENSION AND REVOCATION OF THE TEACHER'S CERTIFICATE, AS
14 THE STATE BOARD OF EDUCATION DEEMS APPROPRIATE.

15 I. THE STATE BOARD OF EDUCATION SHALL REQUIRE TEACHERS TO OBTAIN AT
16 LEAST THREE HOURS OF ANNUAL TRAINING CONCERNING THE RESPONSIBILITIES OF
17 TEACHERS UNDER SUBSECTION D OF THIS SECTION.

18 ~~F.~~ J. The attorney general or the county attorney for the county in
19 which an alleged violation of this section occurred may initiate a suit in
20 the superior court in the county in which the school district or charter
21 school is located for the purpose of complying with this section.

22 ~~G.~~ K. For each violation of this section, the court may impose a
23 civil penalty not to exceed five hundred dollars plus any amount of misused
24 funds subtracted from the school district budget against a person who
25 knowingly violates or a person who knowingly aids another person in violating
26 this section. The person determined to be out of compliance with this
27 section shall be responsible for the payment of all penalties and misused
28 funds. School district funds or insurance payments shall not be used to pay
29 these penalties or misused funds. All misused funds collected pursuant to
30 this section shall be returned to the school district or charter school whose
31 funds were misused.

32 ~~H.~~ L. An attorney acting on behalf of a public school may request a
33 legal opinion of the county attorney or attorney general as to whether a
34 proposed use of school district resources would violate this section.

35 ~~I.~~ M. All penalties collected by the court for a suit initiated in
36 superior court by the attorney general shall be paid to the office of the
37 attorney general for the use and reimbursement of costs of prosecution
38 pursuant to this section. All penalties collected by the court for a suit
39 initiated in superior court by a county attorney shall be paid to the county
40 treasurer of the county in which the court is held for the use and
41 reimbursement of costs of prosecution pursuant to this section.

42 ~~J.~~ N. For the purposes of this section, "misused funds" means school
43 district monies or resources used pursuant to subsection A of this section.

1 Sec. 2. Title 15, chapter 14, Arizona Revised Statutes, is amended by
2 adding article 8, to read:

3 ARTICLE 8. PROHIBITED CONDUCT OF
4 PUBLIC POSTSECONDARY INSTRUCTORS

5 15-1881 Prohibited conduct of instructors: civil penalty:
6 definition

7 A. AN INSTRUCTOR AT A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA
8 BOARD OF REGENTS OR AT A COMMUNITY COLLEGE UNDER THE JURISDICTION OF A
9 COMMUNITY COLLEGE DISTRICT WHO IS ACTING AS AN AGENT OF OR WHO IS WORKING IN
10 AN OFFICIAL CAPACITY FOR A UNIVERSITY OR COMMUNITY COLLEGE SHALL NOT:

11 1. ENDORSE, SUPPORT OR OPPOSE ANY CANDIDATE OR NOMINEE FOR LOCAL,
12 STATE OR FEDERAL PUBLIC OFFICE OR ANY ELECTED OR APPOINTED LOCAL, STATE OR
13 FEDERAL OFFICIAL.

14 2. ENDORSE, SUPPORT OR OPPOSE ANY PENDING, PROPOSED OR ENACTED LOCAL,
15 STATE OR FEDERAL LEGISLATION, REGULATION OR RULE.

16 3. ENDORSE, SUPPORT OR OPPOSE ANY PENDING OR PROPOSED LITIGATION IN A
17 LOCAL, STATE OR FEDERAL COURT OR ENDORSE, SUPPORT OR OPPOSE ANY JUDICIAL
18 ACTION TAKEN BY A LOCAL, STATE OR FEDERAL COURT.

19 4. ADVOCATE ONE SIDE OF A SOCIAL, POLITICAL OR CULTURAL ISSUE THAT IS
20 A MATTER OF PARTISAN CONTROVERSY.

21 5. ENDORSE, SUPPORT OR ENGAGE IN ANY ACTIVITIES THAT HAMPER OR IMPEDE
22 THE LAWFUL ACCESS OF MILITARY RECRUITERS TO CAMPUS.

23 6. ENDORSE, SUPPORT OR ENGAGE IN ANY ACTIVITIES THAT HAMPER OR IMPEDE
24 THE ACTIONS OF LOCAL, STATE OR FEDERAL LAW ENFORCEMENT.

25 B. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED AS DENYING THE
26 CIVIL AND POLITICAL LIBERTIES OF ANY PERSON AS GUARANTEED BY THE UNITED
27 STATES AND ARIZONA CONSTITUTIONS.

28 C. THE ATTORNEY GENERAL SHALL PUBLISH AND DISTRIBUTE TO UNIVERSITIES
29 UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS AND COMMUNITY COLLEGES
30 UNDER THE JURISDICTION OF A COMMUNITY COLLEGE DISTRICT A DETAILED GUIDELINE
31 REGARDING ACTIVITIES PROHIBITED UNDER THIS SECTION. THE ATTORNEY GENERAL MAY
32 DISTRIBUTE THESE GUIDELINES THROUGH A WEBSITE OR ELECTRONICALLY.

33 D. BY JANUARY 1, 2008, THE ARIZONA BOARD OF REGENTS SHALL PUBLISH AND
34 DISTRIBUTE TO UNIVERSITIES UNDER ITS JURISDICTION, INSTRUCTORS, PARENTS AND
35 STUDENTS DETAILED GUIDELINES REGARDING THE RIGHTS AND RESPONSIBILITIES OF
36 UNIVERSITIES, INSTRUCTORS, PARENTS AND STUDENTS UNDER SUBSECTION A. BY
37 JANUARY 1, 2008, EACH COMMUNITY COLLEGE DISTRICT SHALL PUBLISH AND DISTRIBUTE
38 TO THE COMMUNITY COLLEGES UNDER ITS JURISDICTION, INSTRUCTORS, PARENTS AND
39 STUDENTS DETAILED GUIDELINES REGARDING THE RIGHTS AND RESPONSIBILITIES OF
40 COMMUNITY COLLEGES, INSTRUCTORS, PARENTS AND STUDENTS UNDER SUBSECTION A.

41 E. IN ADDITION TO THE CIVIL PENALTY PRESCRIBED IN THIS SECTION, AN
42 INSTRUCTOR WHO VIOLATES SUBSECTION A SHALL BE SUBJECT TO DISCIPLINARY ACTION,
43 INCLUDING SUSPENSION OR TERMINATION OF EMPLOYMENT, AS THE ARIZONA BOARD OF
44 REGENTS OR THE GOVERNING BOARD OF THE COMMUNITY COLLEGE, AS APPLICABLE, DEEMS
45 APPROPRIATE.

1 F. THE ARIZONA BOARD REGENTS SHALL REQUIRE INSTRUCTORS TO OBTAIN AT
2 LEAST THREE HOURS OF ANNUAL TRAINING CONCERNING THE RESPONSIBILITIES OF
3 INSTRUCTORS UNDER SUBSECTION A. EACH COMMUNITY COLLEGE DISTRICT SHALL
4 REQUIRE INSTRUCTORS TO OBTAIN AT LEAST THREE HOURS OF ANNUAL TRAINING
5 CONCERNING THE RESPONSIBILITIES OF INSTRUCTORS UNDER SUBSECTION A.

6 G. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN WHICH
7 AN ALLEGED VIOLATION OF THIS SECTION OCCURRED MAY INITIATE A SUIT IN THE
8 SUPERIOR COURT IN THE COUNTY IN WHICH THE UNIVERSITY OR COMMUNITY COLLEGE IS
9 LOCATED FOR THE PURPOSE OF COMPLYING WITH THIS SECTION.

10 H. FOR EACH VIOLATION OF THIS SECTION, THE COURT MAY IMPOSE A CIVIL
11 PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS AGAINST A PERSON WHO KNOWINGLY
12 VIOLATES OR A PERSON WHO KNOWINGLY AIDS ANOTHER PERSON IN VIOLATING THIS
13 SECTION. THE PERSON DETERMINED TO BE OUT OF COMPLIANCE WITH THIS SECTION
14 SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL PENALTIES. UNIVERSITY OR
15 COMMUNITY COLLEGE FUNDS OR INSURANCE PAYMENTS SHALL NOT BE USED TO PAY THESE
16 PENALTIES.

17 I. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT INITIATED IN
18 SUPERIOR COURT BY THE ATTORNEY GENERAL SHALL BE PAID TO THE OFFICE OF THE
19 ATTORNEY GENERAL FOR THE USE AND REIMBURSEMENT OF COSTS OF PROSECUTION
20 PURSUANT TO THIS SECTION. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT
21 INITIATED IN SUPERIOR COURT BY A COUNTY ATTORNEY SHALL BE PAID TO THE COUNTY
22 TREASURER OF THE COUNTY IN WHICH THE COURT IS HELD FOR THE USE AND
23 REIMBURSEMENT OF COSTS OF PROSECUTION PURSUANT TO THIS SECTION.

24 Sec. 3. Legislative intent

25 In addition to the statutory requirements of this act, the legislature
26 intends by this act to call on this state's professional teacher
27 organizations and teacher labor unions to voluntarily adopt an educator's
28 code of ethics and professional responsibility that incorporates the
29 principles of this act and that specifically prohibits teachers from using
30 their classrooms for the purposes of political indoctrination.