



Understanding A.R.S. § 15-717.02 regarding “prohibited instruction” and its impact on teaching the History and Social Studies Standards

What is A.R.S § 15-717.02?

At the end of the 2021 session of the Arizona Legislature, a bill was passed ([Laws 2021, Chapter 404, Section 21](#)) that prohibits instruction on certain topics from being offered in public district or charter schools in grades PK-12. The law states that a teacher, administrator or other employee shall not use public monies for instruction that presents any form of blame or judgement on the basis of race, ethnicity or sex or allow instruction based on the following seven concepts:

1. One race, ethnic group, or sex is inherently morally or intellectually superior to another race, ethnic group, or sex.
2. An individual, by virtue of the individual’s race, ethnicity, or sex, is inherently racist, sexist, or oppressive whether consciously or unconsciously.
3. An individual should be “invidiously” discriminated against or receive adverse treatment solely or partly because of the individual’s race, ethnicity, or sex.
4. An individual’s moral character is determined by the individual’s race, ethnicity, or sex.
5. An individual, by virtue of the individual’s race, ethnicity, or sex bears responsibility for actions committed by other members of the same race, ethnic group, or sex.
6. An individual should feel discomfort, guilt, anguish, or any other form of psychological distress because of the individual’s race, ethnicity, or sex.
7. Academic achievement, meritocracy, or traits such as hard work ethic are racist or sexist or were created by members of a particular race, ethnic group, or sex to oppress members of another race, ethnic group, or sex.

The law allows for a county attorney or the attorney general to initiate a lawsuit against a school district or charter school that is proven to violate this law. Additionally, attorneys acting on behalf of a public school may request a legal opinion of the county attorney or attorney general as to whether a proposed use of school district resources would violate this law.

The law allows for a teacher who is proven to violate the statute to be disciplined, including the suspension or revocation of a teaching certificate, and for a financial penalty to be levied against the teacher's employer. The legislation also specifies that any training on sexual harassment or lessons on recognizing and reporting abuse are not precluded by this law.

Note: *This bill and the subsequent guidance issued by the Arizona Department of Education (ADE) no longer applies to instruction per the September 27th Maricopa County Superior Court, affirmed by the AZ Supreme Court on November 2, 2021. The law is currently unenforceable. However, we do encourage educators to continue to use the best practices for standards-based instruction.*

How will this law impact the teaching of the History and Social Science Standards?

The Arizona History and Social Science Standards were approved in 2018 and are based on the premise that an educated and engaged citizenry is vital to maintain our Republic. Preparing students for the contemporary society cannot be accomplished without a strong emphasis on civics, economics, geography, and history - the core disciplines of the social studies. It is imperative that each generation gains an understanding of the knowledge, skills, and dispositions to participate fully in civic life in a rapidly changing world (*Arizona History and Social Science Standards, 2*). Because they were created by Arizona educators and vetted by the larger community during public feedback sessions and in open meetings, Arizona's History and Social Science Standards represent what Arizonan's value in civics, economics, historical, and geographical education. They illustrate the community's faith in its children to reach their full potential as learners and citizens.

The state standards outline what a student needs to know, understand, and be able to do at the end of each grade, or in the case of high school - each course. While standards are adopted at the state level by the Arizona State Board of Education, curriculum (the resources used for teaching and learning the standards) and instruction (the methods used by teacher to teach their students in their classes and help them master the standards) are made at the local level.

Arizona's social studies standards and strategies for implementing those standards were developed by Arizona educators from across the state who used their decades of teaching experience to develop high-quality, age-appropriate standards. The standards emphasize disciplinary skills and processes to be used when studying history, geography, civics, and economics which include:

- Understanding the processes of change and continuity over time
- Assessing similarities and differences between historical periods and between past and present
- Identifying, comparing, and evaluating multiple perspectives about a given event
- Examining multiple points of view and multiple types of resources and evidence

- Gathering, interpreting, and using evidence to develop claims to historical, economic, geographical, and political questions and communicate those conclusions
- Analyze relationships among causes and effects
- Create and support arguments about social studies topics and issues using evidence
- Using and analyzing various primary and secondary sources

The standards also support the process of social studies inquiry, which results in a deeper understanding of content. Incorporating inquiry using the content standards reinforces the same skills contained in the Arizona English Language Arts (ELA) Standards through reading, writing, speaking, and listening with social studies content.

It is important to understand that this law does not contradict the content, skills, and dispositions called for in the History and Social Science Standards. To be clear, the law

- Does not prohibit the exploration of historical events from multiple perspectives, or the examination of different viewpoints or opinions within the context of academic instruction;
- Does not prohibit teaching any of the History and Social Science Standards or the content described in the storylines and course considerations for each grade level;
- Does not prohibit connecting historical events to current issues;
- Does not prohibit the examination of America's constitutional democracy and history; and
- Does not prohibit using multiple teaching pedagogies, including culturally responsive practices, to meet the needs of all learners or the use of an equity lens to improve student success.

What does the law do and how will it impact curriculum and/or instruction?

Educators strive to create welcoming and safe classrooms for students to learn.

The law PROHIBITS the teaching that one race, ethnic group, or sex is morally or intellectually superior or that a person should be discriminated against due to their race, ethnicity, or sex. This means an instructor cannot teach this as a fact or opinion or use materials that confer on or deny rights to individuals due to their race, ethnic group, or sex. *This does not mean that when studying a historical event like the Holocaust or Antebellum slavery, educators can't teach about Antisemitism or read Chief Justice Taney's Majority Opinion in the Dredd Scott Case.*

The law PROHIBITS teaching that an individual because of their race, ethnicity, or sex is racist, sexist, or oppressive. An instructor cannot generalize that all members of a

group are racist, sexist, or oppressive. When discussing oppression, make sure to use specific examples and language instead of generalizations. *An example would be that Executive Order 9066 authorized the incarceration of Japanese Americans during World War 2.*

The law PROHIBITS teaching that a person's moral character is determined by their race, ethnicity, or sex. This is another example of not generalizing or stereotyping a group. *This does not preclude the teaching of historical events about racism and the context around that event, as in the case of teaching the Dawes Act and the government's justification for Indian Boarding and Residential Schools.*

The law PROHIBITS teaching that an individual by virtue of their race, ethnicity, or sex bears responsibility for actions committed by other members of the same race, ethnic group, or sex. An example would be blaming all persons of Spanish descent for the atrocities committed against the Incas, Aztecs, and Mayan. *This does not preclude teaching specific historical events as long as members of the same race, ethnic group, or sex are not generalized or categorically stereotyped. Always use precise language and terminology.*

The law PROHIBITS making an individual feel discomfort, guilt, anguish, or any other form of psychological distress because of the individual's race, ethnicity, or sex. Instructors should not use simulations that place students in the role of oppressors or the oppressed or have students participate in activities like privilege walks. These instructional activities can have the effect of causing guilt, trauma, and discomfort. Sometimes studying history can be hard and a student may feel sad or angry about events or injustices. Studying the Holocaust, which is mandated by law, often can have this effect. This does not violate the law. Actively putting students in situations though a simulation of oppression or examination of privilege can cause unintended harm. Some students may feel guilt they associate with perceived privilege and marginalized students may feel shame or embarrassment. This would violate the law.

The Law PROHIBITS instruction that academic achievement, meritocracy, or traits such as hard work ethic are racist or sexist or were created by members of a particular race, ethnic group, or sex to oppress members of another race, ethnic group, or sex. This again goes to the idea of generalizing and categorizing individuals based on their race, ethnic group, or sex for behavior. Instruction and resources should be specific and avoid generalizations. Refrain from prescribing traits to an entire group.

Tips for Instructors

- Build community and trust in and outside the classroom with both students and parents. Students and parents should feel comfortable addressing issues or discomfort with the instructor. Encourage questions and dialogue
- Foster student agency in your classroom. This can be done through giving students choice in content or products and encouraging them to voice their ideas and advocate for themselves
- Focus on the History and Social Science Standards and tie your curriculum and instruction back to the standards. The standards have been approved by the State Board of Education and have passed through public feedback, debate, and a vote.
- Carefully preview all materials used to avoid unexpected issues

- Use multiple types of primary sources in the classroom. In addition to documents and texts primary sources can be photographs, oral histories, journals and diaries, art, music, video footage, artifacts, and newspapers
 - **A.R.S. § 15-717-American History and Heritage-** protects the following materials: writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States, published decisions of the U.S Supreme Court, Acts of the United States Congress- stick to these types of sources when possible
- Provide multiple sources and multiple perspectives in the study of social studies content
- Avoid generalizations and encourage students not to categorize groups of people based on their experiences in history and historical events
- Avoid presenting marginalized or oppressed groups as only victims- make sure to include examples of strength, resiliency, and overcoming adversity
- Use pedagogies that are student centered, such as the inquiry process. Have students do the work of historians, economists, political scientists, and geographers
- Many times, educators want to use a simulation to create empathy, but this can backfire. Be cautious with simulations. Avoid simulations that have students take on the role of oppressor or oppressed persons. Use journals, oral histories, images, picture books, and literature to create understanding and empathy instead. If using simulations then try simulated court trials, congressional hearings, historical debates, and moot courts.
- Use structures for discussion like the Structured Academic Controversy to examine different sides to issues and historical questions
- Avoid activities that focus on issues of privilege like privilege walks and activities that have students examine their explicit and implicit bias
- When teaching difficult histories like slavery, genocide, removal of indigenous peoples, segregation, lynching, war, the Holocaust and other sensitive subjects review materials, especially graphic visuals carefully and use them only to the extent they are necessary to achieve the lesson objective. Try to select images and texts that do not exploit students' emotional vulnerability or might be construed as disrespectful to the victims. If images are too graphic use other approaches to access the material (<https://www.ushmm.org/teach/fundamentals/guidelines-for-teaching-the-holocaust>)
- Provide plenty of opportunities for students to debrief and evaluate classroom activities
- If you are in doubt, ask your supervisor or a colleague.