

FAMILY ISSUES FACT SHEET

No. 2024-05 (January 2024)

HB 2655 PUBLIC SCHOOLS; TEACHERS; EXPRESSIVE RIGHTS

EXECUTIVE SUMMARY

The hardworking men and women who staff Arizona’s public and charter schools do not shed their rights when they walk through the doors of their institutions each day. [HB 2655](#) ensures that teachers and other employees at these schools can exercise expressive rights free from undue hostility from their employers by requiring schools to apply rules consistently regarding association, speech, and political and religious expression.

OVERVIEW

Stories of schools punishing teachers and coaches for their personal opinions or for engaging in private activities disfavored by school administrators have cropped up nationally on a regular basis. A teacher in Virginia was fired for declining to address a student with the student’s preferred pronouns even though he consistently used the student’s preferred name.ⁱ A longtime coach was fired for engaging in private prayer following football games.ⁱⁱ A substitute teacher in Georgia was fired for raising concerns with the school principal over a book that would be allowed for young elementary students.ⁱⁱⁱ

HB 2655 Provides Important Protections to School Teachers and Employees

This bill outlines broad protections for teachers and employees in public schools. It specifically protects them from adverse employment action or other discipline for:

1. Telling a student’s parent information about the student they think the parent might reasonably want to know.
2. Declining to addressing individuals by names, pronouns, or titles that are inconsistent with individual’s biological sex.
3. Engaging in religious expression in the same manner as other teachers are allowed to engage in nonreligious expression.
4. Sponsoring clubs regardless of religious affiliation or non-affiliation if the school generally allows teacher sponsors.
5. Participating in voluntary student-initiated, student-led prayer in their personal capacity.
6. Wearing religious clothes or symbols if they otherwise comply with the school dress code.
7. Decorating their offices, classrooms, desks, or other personal spaces consistent with their religious beliefs to the same extent other teachers are allowed to decorate their spaces.

HB 2655 Ensures Teachers and Employees have Recourse

A teacher or other employee of a public or charter school who experiences disciplinary or adverse employment action for violations of these rights may bring a lawsuit to remedy the violation.

TALKING POINTS

1. **Teachers and employees do not forfeit all First Amendment rights when they work for a public school. All teachers and staff enjoy the same freedom of speech.**
2. **Schools must treat equally the religious and nonreligious views of teachers and employees.**
3. **Schools should not pick and choose whose speech is acceptable and whose is not.**
4. **Teachers of faith should be as welcome in Arizona public schools as nonreligious teachers.**
5. **Schools should not risk liability for violating a teacher’s basic civil rights.**

CONCLUSION

Teachers and employees of Arizona public and charter schools who hold religious beliefs should be afforded the same rights and opportunities for expression and association as other teachers in keeping with the “best of our traditions [that] counsel mutual respect and tolerance, not censorship and suppression, for religious and nonreligious views alike.”^{iv} HB 2655 equalizes key protections for the religious and nonreligious alike among the diligent and diverse people who serve in Arizona’s public and charter schools.

ⁱ Wiessner, D. (2023, December 14). Virginia top court revives lawsuit by teacher fired over pronoun use. *Reuters*. <https://www.reuters.com/legal/government/virginia-top-court-revives-lawsuit-by-teacher-fired-over-pronoun-use-2023-12-14/>

ⁱⁱ Kennedy v. Bremerton Sch. Dist., 142 S. Ct. 2407 (2022).

ⁱⁱⁱ Williams, L. (2023, April 25). Bryan Schools settle lawsuit brought by teacher fired for objecting to controversial book. *Savanna Morning News*. <https://www.savannahnow.com/story/news/2023/04/25/bryan-co-teacher-fired-for-objections-to-book-about-same-sex-couples/70149595007/>

^{iv} Kennedy v. Bremerton Sch. Dist., 142 S. Ct. 2407, 2416 (2022).