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An Analysis of the Constitutionality of Arizona's Ethic Studies Law

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On May 2011, the Arizona legislature passed a law that has placed significant restrictions on K-12 ethnic studies programs. The law prohibits any public school district or charter school from conducting classes that, inter alia, are designed primarily for a specific ethnic group. School districts or charter schools that violate the law can lose up to ten percent of their state funding. Former Arizona state superintendent of public instruction Tom Horne championed the passage of this legislation after an incident involving a state department of education official at a Tucson public school. As discussed in Section I of this paper, present superintendent John Huppenthal found that the Mexican American Studies (?MAS?) program violated the state's ethnic studies law. A state administrative law judge affirmed Huppenthal's determination, authorizing the state's power to withhold ten percent of its funding to the Tucson Unified School District (?TUSD?) until the MAS program came into compliance with state law.4 Students and teachers are challenging the constitutionality of the statute in federal district court and seek the issuance of a preliminary injunction.

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