

Top 10 Questions Surrounding Arizona's Moment of Silence Law

House Bill 2707 amending A.R.S. § 15-506

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The new Arizona Moment of Silence law requires all K-12 public schools to set aside one to two minutes at the beginning of every school day for a moment of silent reflection. Students are prohibited from interfering with other students' participation in the moment of silence. All school personnel are prohibited from suggesting the content of the reflection. However, teachers are required to encourage parents to discuss with their children how to use the moment of silence. Below is a list of frequently asked questions and answers.

Frequently Asked Questions for House Bill 2707:

1. Q: What law did House Bill 2707 amend?

A: It amended Arizona Revised Statute section 15-506 by adding subsection (A)(6).

2. Q: When does this law go into effect?

A: September 24, 2022

3. Q: What is the exact language for the new moment of silence law, A.R.S. § 15-506(A)(6)?

A. School districts and charter schools shall:

6. For kindergarten programs and grades one through twelve, set aside at least one minute but not more than two minutes at the beginning of each school day for students to engage in a moment of silence during which students may not interfere with other students' participation. A teacher or other school employee may not suggest the nature of any reflection in which a student may engage during the moment of silence. Each teacher of a class in which a moment of silence occurs pursuant to this paragraph shall encourage parents of students in the class to discuss with their children how to best use the moment of silence required by this paragraph.

4. Q: When should the moment of silence occur?

A: At the very beginning of every single school day, prior to classroom instruction.

5. Q: How long is the moment of silence?

A: It must be for longer than one minute and less than two minutes.

6. Q: The law prohibits student(s) from interfering with other student(s) participation in the moment of silence. What does "interfering" mean?

A: The law does not define what student's "interfering" means. It could include both verbal and non-verbal activities, such as:

- Speaking
- Making auditory sounds (humming, chanting, singing, laughing, etc.)

- Touching or poking
- Throwing items
- Passing notes
- Using electronic devices
- Excessive movement
- Ridiculing, bullying, or otherwise trying to embarrass a student for participating in the moment of silence
- Holding up signs that disparage the moment of silence during the moment of silence
- Waving a flag
- Playing music

Examples of verbal and non-verbal activities that likely are not "interfering" include:

- Sitting cross-legged on the ground
- Using their hands for prayer
- Telling other students what they contemplated or what they will be contemplating (if the content of their speech is appropriate)
- Telling other students they will not be contemplating anything during the moment of silence
- Silently writing or reading during the moment of silence
- Closing eyes the entire time
- Looking at or watching other students participate in the moment of silence

7. Q: What should we do if a student interferes with another student's participation in the moment of silence?

A: Your school employees should immediately attempt to end the interference, either through a short verbal or non-verbal cue. If the interference is purposeful or repetitive, the student should be removed from the classroom and referred to administration for possible disciplinary action.

We do not suggest pausing or restarting the time for the moment of silence if there is an interference.

(NOTE: student's accommodations in their 504 Plan or IEP must continue to be adhered to during the moment of silence. If you are concerned that an accommodation may result in, or has resulted in, an "interference" please address your concerns in writing with the director of special education or their assignee.)**

8. Q: What topics can be reflected upon during the moment of silence?

A: Topics for the moment of silence must be left solely to the student and their parent(s). Your school employees are expressly prohibited by the law from suggesting content for the moment of silence.

9. Q: What does it mean that your employees are prohibited from "suggesting" topics for the moment of silence?

A: The law is silent on what "suggesting" means. "Suggesting" could include both verbal and non-

verbal actions.

Possible examples of "suggesting" topics:

- Expressing a positive or negative reaction after a student tells you they will be contemplating a certain topic
- Telling students what you will be contemplating
- Asking students what they will be contemplating or what they have contemplated
- Requiring students to decide on a topic to contemplate or demand that they contemplate anything during the moment of silence
- Providing possible topics, even if expressly asked by a student
- Playing music
- Using props (rolling out a rug, using rosary, putting on specific attire, pulling out a Bible)
- Putting up signs or flags that would suggest a particular topic if the items are only displayed right before, during or after the moment of silence
- Assigning work related to the moment of silence

The following are verbal or non-verbal actions that are likely not "suggesting" topics:

- Using the moment of silence to reflect upon a topic of your choosing
- Writing or reading during the moment of silence
- Encouraging student to discuss the moment of silence with their parents
- Sitting cross-legged on the ground
- Folding your hands in prayer or placing them palms together
- Standing with hands behind your back
- Not contemplating anything during the moment of silence
- Attempting to stop a student from interfering with another student's participation in the motion of silence

10. Q: How and when do I communicate the moment of silence with parents?

A: The law requires you to encourage parents of students in your class to discuss with their children how to best use the moment of silence. If you need assistance or have questions regarding encouraging parents to discuss the moment of silence with their students, please reach out to your counsel.

When we can help you, contact any member of our team.

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