

REFERENCE TITLE: sex education instruction; parental rights

**State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021**

SB 1456

**Introduced by
Senators Barto: Boyer, Gray, Kerr, Leach, Livingston, Mesnard, Shope**

AN ACT

**AMENDING SECTIONS 15-102, 15-113, 15-711 AND 15-716, ARIZONA REVISED STATUTES;
RELATING TO SCHOOL CURRICULA.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 15-102, Arizona Revised Statutes, is amended to read:

15-102. Parental involvement in the school; definition

A. The governing board, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district, including:

1. A plan for parent participation in the schools that is designed to improve parent and teacher cooperation in such areas as homework, attendance and discipline. The plan shall provide for the administration of a parent-teacher satisfaction survey.

2. Procedures by which parents may learn about the course of study for their children and review learning materials, including the source of any supplemental educational materials.

3. Procedures by which parents who object to any learning material or activity on the basis that ~~it~~ **THE MATERIAL OR ACTIVITY** is harmful may withdraw their children from the activity or from the class or program in which the material is used. Objection to a learning material or activity on the basis that ~~it~~ **THE MATERIAL OR ACTIVITY** is harmful includes objection to a material or activity because it questions beliefs or practices in sex, morality or religion.

4. If a school district offers any sex education curricula pursuant to section 15-711 or 15-716 or pursuant to any rules adopted by the state board of education, procedures to prohibit ~~a~~ **THE** school district from providing sex education instruction to a pupil unless the pupil's parent provides written permission for the child to participate in the sex education curricula.

5. Procedures by which parents will be notified in advance of and given the opportunity to ~~withdraw~~ **OPT** their children ~~from~~ **IN TO** any instruction, **LEARNING MATERIALS** or presentations regarding sexuality, **GENDER IDENTITY OR GENDER EXPRESSION** in courses other than formal sex education curricula.

6. Procedures by which parents may learn about the nature and purpose of clubs and activities that are part of the school curriculum, extracurricular clubs and activities that have been approved by the school.

7. Procedures by which parents may learn about parental rights and responsibilities under the laws of this state, including the following:

(a) The right to opt in to a sex education curriculum if one is provided by the school district.

(b) Open enrollment rights pursuant to section 15-816.01.

(c) The right to opt out of assignments pursuant to this section.

(d) The right to opt out of immunizations pursuant to section 15-873.

(e) The promotion requirements prescribed in section 15-701.

(f) The minimum course of study and competency requirements for graduation from high school prescribed in section 15-701.01.

(g) The right to opt ~~out-of~~ **IN TO** instruction on ~~the~~ acquired immune deficiency syndrome pursuant to section 15-716.

(h) The right to review test results pursuant to section 15-743.

(i) The right to participate in gifted programs pursuant to section 15-779.01.

(j) The right to access instructional materials pursuant to section 15-730.

(k) The right to receive a school report card pursuant to section 15-746.

(l) The attendance requirements prescribed in sections 15-802, 15-803 and 15-821.

(m) The right to public review of courses of study and textbooks pursuant to sections 15-721 and 15-722.

(n) The right to be excused from school attendance for religious purposes pursuant to section 15-806.

(o) Policies related to parental involvement pursuant to this section.

(p) The right to seek membership on school councils pursuant to section 15-351.

(q) Information about the student accountability information system as prescribed in section 15-1041.

(r) The right to access the failing schools tutoring fund pursuant to section 15-241.

B. The policy adopted by the governing board pursuant to this section may also include the following components:

1. A plan by which parents will be made aware of the district's parental involvement policy and this section, including:

(a) Rights under the family educational rights and privacy act of 1974 (20 United States Code section 1232g) relating to access to children's official records.

(b) The parent's right to inspect the school district policies and curriculum.

2. Efforts to encourage the development of parenting skills.

3. ~~The communication~~ COMMUNICATING to parents ~~of~~ techniques THAT ARE designed to assist the child's learning experience in the home.

4. Efforts to encourage access to community and support services for children and families.

5. ~~The promotion of~~ PROMOTING communication between the school and parents concerning school programs and the academic progress of the parents' children.

6. Identifying opportunities for parents to participate in and support classroom instruction at the school.

7. Efforts to support, with appropriate training, parents as shared decision-makers and to encourage membership on school councils.

8. ~~The recognition of~~ RECOGNIZING the diversity of parents and ~~the development of~~ DEVELOPING guidelines that promote widespread parental participation and involvement in the school at various levels.

9. ~~The development of~~ DEVELOPING preparation programs and specialized courses for certificated employees and administrators that promote parental involvement.

10. ~~The development of~~ DEVELOPING strategies and programmatic structures at schools to encourage and enable parents to participate actively in their children's education.

C. The governing board may adopt a policy to provide to parents the information required by this section in an electronic form.

D. A parent shall submit a written request for information pursuant to this section during regular business hours to either the school principal at the school site or the superintendent of the school district at the office of the school district. Within ten days after receiving the request for information, the school principal or the superintendent of the school district shall either deliver the requested information to the parent or submit to the parent a written explanation of the reasons for ~~the denial of~~ DENYING the requested information. If the request for information is denied or the parent does not receive the requested information within fifteen days after submitting the request for information, the parent may submit a written request for the information to the school district governing board, which shall formally consider the request at the next scheduled public meeting of the governing board if the request can be properly noticed on the agenda. If the request cannot be properly noticed on the agenda, the governing board shall formally consider the request at the next subsequent public meeting of the governing board.

E. For the purposes of this section, "parent" means the natural or adoptive parent or legal guardian of a minor child.

Sec. 2. Section 15-113, Arizona Revised Statutes, is amended to read:

15-113. Rights of parents; public educational institutions; definitions

A. A parent of a student in a public educational institution has the right to review learning materials and activities in advance. A parent who objects to any learning material or activity on the basis that the material or activity is harmful may request to withdraw that PARENT'S student from the activity or from the class or program in which the material is used and request an alternative assignment.

B. A charter school may require parents to waive the right to object to learning materials or activities pursuant to subsection A OF THIS SECTION as a condition of enrollment if the charter school provides a complete list of books and materials to be used each school year before the student enrolls. If the charter school introduces books or materials that were not disclosed prior to enrollment, the parent retains the right to object to those materials pursuant to subsection A OF THIS SECTION.

C. A charter school may require that any request to review learning materials or activities or to withdraw the student from learning materials or activities pursuant to subsection A OF THIS SECTION be made in writing.

D. A public educational institution shall obtain signed, written consent from a student's parent or guardian before **DOING EITHER OF THE FOLLOWING:**

1. Using video, audio or electronic materials that may be inappropriate for the age of the student.

2. **PROVIDING SEX EDUCATION INSTRUCTION OR INSTRUCTION REGARDING SEXUAL ORIENTATION, GENDER IDENTITY, OR GENDER EXPRESSION TO THE STUDENT. WHEN THE PUBLIC EDUCATIONAL INSTITUTION SEEKS CONSENT, IT SHALL AT THE SAME TIME INFORM THE STUDENT'S PARENT OR GUARDIAN OF THE PARENT OR GUARDIAN'S RIGHT TO REVIEW THE INSTRUCTIONAL MATERIALS AND ACTIVITIES.**

E. For the purposes of this section:

1. "Objects to any learning material or activity on the basis that **it THE MATERIAL OR ACTIVITY is harmful**" means **objections OBJECTING** to a material or activity because of **sexual content**, violent content, or profane or vulgar language **OR BECAUSE A MATERIAL OR ACTIVITY QUESTIONS BELIEFS REGARDING OR PRACTICES IN SEX, MORALITY OR RELIGION.**

2. "Public educational institution" means any of the following:

(a) A school district, including its schools.

(b) A charter school.

(c) An accommodation school.

(d) The Arizona state schools for the deaf and the blind.

Sec. 3. Section 15-711, Arizona Revised Statutes, is amended to read:

15-711. Sex education instruction; minimum grade; review and approval of materials; sexual conduct with a minor

A. SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY NOT PROVIDE SEX EDUCATION INSTRUCTION, INCLUDING INSTRUCTION PURSUANT TO SECTION 15-716, BEFORE GRADE FIVE.

B. BEFORE A PARENT PROVIDES WRITTEN PERMISSION FOR THE PARENT'S CHILD TO PARTICIPATE IN ANY SEX EDUCATION CURRICULA, INCLUDING CURRICULA RELATED TO INSTRUCTION UNDER SECTION 15-716, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL MAKE THE SEX EDUCATION CURRICULA AVAILABLE FOR THE PARENT'S REVIEW, EITHER ONLINE OR IN-PERSON, PURSUANT TO SECTION 15-102, SUBSECTION A, PARAGRAPH 2. THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL NOTIFY PARENTS WHERE THE SEX EDUCATION CURRICULA, INCLUDING CURRICULA RELATED TO INSTRUCTION UNDER SECTION 15-716, IS AVAILABLE FOR REVIEW AT LEAST TWO WEEKS BEFORE ANY INSTRUCTION IS OFFERED PURSUANT TO THIS SECTION OR SECTION 15-716.

C. ~~ALL~~ EACH school ~~districts~~ DISTRICT OR CHARTER SCHOOL with existing sex education curricula shall include instruction on the laws relating to sexual conduct with a minor for pupils in grades seven, eight, nine, ten, eleven and twelve.

D. Each school district OR CHARTER SCHOOL may develop its own SEX EDUCATION COURSE OF STUDY OR ADOPT AN EXISTING SEX EDUCATION course of study to meet the requirements of this section AND SECTION 15-716.

E. BEFORE A SCHOOL DISTRICT OR CHARTER SCHOOL OFFERS SEX EDUCATION INSTRUCTION, THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY SHALL REVIEW AND APPROVE THE SEX EDUCATION COURSE OF STUDY THAT IS DEVELOPED, ADOPTED, REVISED OR UPDATED PURSUANT TO THIS SECTION AND SECTION 15-716. THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY MAY NOT APPROVE A COURSE OF STUDY UNLESS IT COMPLIES WITH THIS SECTION AND SECTION 15-716.

F. BEFORE APPROVING ANY SEX EDUCATION COURSE OF STUDY DEVELOPED, ADOPTED, REVISED OR UPDATED PURSUANT TO THIS SECTION AND SECTION 15-716, THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY SHALL DO ALL OF THE FOLLOWING:

1. REQUIRE THAT ALL MEETINGS OF COMMITTEES THAT ARE AUTHORIZED FOR THE PURPOSES OF REVIEWING AND SELECTING THE SEX EDUCATION COURSE OF STUDY BE PUBLICLY NOTICED AT LEAST TWO WEEKS BEFORE OCCURRING AND BE OPEN TO THE PUBLIC PURSUANT TO TITLE 38, CHAPTER 3, ARTICLE 3.1.

2. MAKE ANY PROPOSED SEX EDUCATION COURSE OF STUDY AVAILABLE AND ACCESSIBLE FOR REVIEW AND PUBLIC COMMENT FOR AT LEAST SIXTY DAYS BEFORE THE GOVERNING BOARD OR GOVERNING BODY DECIDES WHETHER TO APPROVE THAT COURSE OF STUDY.

3. CONDUCT AT LEAST TWO PUBLIC HEARINGS WITHIN THE SIXTY-DAY PERIOD BEFORE THE GOVERNING BOARD OR GOVERNING BODY DECIDES WHETHER TO APPROVE ANY COURSE OF STUDY. PUBLIC COMMENT MAY INCLUDE WRITTEN COMMENTS, ORAL COMMENTS AND COMMENTS SUBMITTED THROUGH EMAIL.

G. A SCHOOL DISTRICT OR CHARTER SCHOOL IS NOT REQUIRED TO PROVIDE SEX EDUCATION INSTRUCTION TO PUPILS. IF A SCHOOL DISTRICT OR CHARTER SCHOOL DECIDES TO PROVIDE SEX EDUCATION INSTRUCTION AFTER SCHOOL HOURS, THIS SECTION AND SECTIONS 15-102 AND 15-716 APPLY.

Sec. 4. Section 15-716, Arizona Revised Statutes, is amended to read:

15-716. ~~Instruction on AIDS and HIV; department review and assistance; parental opt-in~~

A. Each common, high and unified school district **AND EACH CHARTER SCHOOL** may provide instruction to pupils in ~~kindergarten programs and~~ grades ~~one~~ **FIVE** through twelve on acquired immune deficiency syndrome and the human immunodeficiency virus.

B. Each school district **OR CHARTER SCHOOL** may develop its own course of study for each grade. At a minimum, instruction shall:

1. Be appropriate to the grade level in which it is offered.
2. Be medically accurate.
3. Promote abstinence.
4. Discourage drug abuse.
5. Dispel myths regarding transmission of the human immunodeficiency virus.

C. At the request of a school district **OR CHARTER SCHOOL**, the department of health services or the department of education shall review instruction materials to determine their medical accuracy.

D. At the request of a school district **OR CHARTER SCHOOL**, the department of education shall provide the following assistance:

1. A suggested course of study.
2. Teacher training.
3. A list of available films and other teaching aids.

E. ~~At the request of a parent;~~ **A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT PROVIDE INSTRUCTION TO A PUPIL ON ACQUIRED IMMUNE DEFICIENCY SYNDROME AND THE HUMAN IMMUNODEFICIENCY VIRUS AS PROVIDED IN SUBSECTION A OF THIS SECTION UNLESS THE PUPIL'S PARENT PROVIDES WRITTEN PERMISSION FOR THE PUPIL TO PARTICIPATE IN THE INSTRUCTION. IF THE PARENT DOES NOT PROVIDE WRITTEN PERMISSION, THE** pupil shall be excused from ~~THE instruction on the acquired immune deficiency syndrome and the human immunodeficiency virus as provided in subsection A of this section.~~ The school district **OR CHARTER SCHOOL** shall provide a description of the course curriculum to all parents and notify all parents ~~of their ability to withdraw their child from the instruction~~ **THAT THE INSTRUCTION WILL NOT BE PROVIDED UNLESS THE PARENT PROVIDES WRITTEN PERMISSION PURSUANT TO THIS SUBSECTION.**

Sec. 5. ~~Sex education instruction; course of study; review; delayed repeal~~

A. On or before December 15, 2021, each school district and charter school that offers any sex education instruction shall review its course of study and revise it to comply with sections 15-711 and 15-716, as amended by this act.

B. This section is repealed from and after December 31, 2021.