

REFERENCE TITLE: sex education programs; requirements

State of Arizona
Senate
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2016

SB 1020

Introduced by
Senators Sherwood, Cajero Bedford, Hobbs, Quezada; Representatives
Cardenas: Friese

AN ACT

AMENDING SECTIONS 15-102 AND 15-711, ARIZONA REVISED STATUTES; RELATING TO
SCHOOL CURRICULUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 15-102. Parental involvement in the school; definition

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

9 1. A plan for parent participation in the schools ~~which~~ THAT is
10 designed to improve parent and teacher cooperation in such areas as homework,
11 attendance and discipline.

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

15 3. Procedures by which parents who object to any learning material or
16 activity on the basis that it is harmful may withdraw their children from the
17 activity or from the class or program in which the material is used.
18 Objection to a learning material or activity on the basis that it is harmful
19 includes objection to a material or activity because it questions beliefs or
20 practices in sex, morality or religion.

21 4. ~~If a school district offers any sex education curricula pursuant to~~
22 ~~section 15-711 or 15-716 or pursuant to any rules adopted by the state board~~
23 ~~of education,~~ Procedures to ~~prohibit~~ ALLOW a school district ~~from providing~~
24 TO PROVIDE sex education instruction to a pupil unless the pupil's parent
25 provides written permission for the child to NOT participate in the sex
26 education curricula.

27 5. Procedures by which parents will be notified in advance of and
28 given the opportunity to withdraw their children from any instruction or
29 presentations regarding sexuality in courses other than formal sex education
30 curricula.

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

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

36 (a) The right to opt ~~in to~~ OUT OF a sex education curriculum ~~if one is~~
37 ~~provided by the school district~~ AS PROVIDED IN SECTION 15-711.

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

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

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

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

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

44 (g) The right to opt out of instruction on the acquired immune
45 deficiency syndrome pursuant to section 15-716.

- 1 (h) The right to review test results pursuant to section 15-743.
2 (i) The right to participate in gifted programs pursuant to section
3 15-779.01.
4 (j) The right to access instructional materials pursuant to section
5 15-730.
6 (k) The right to receive a school report card pursuant to section
7 15-746.
8 (l) The attendance requirements prescribed in sections 15-802, 15-803
9 and 15-821.
10 (m) The right to public review of courses of study and textbooks
11 pursuant to section 15-721.
12 (n) The right to be excused from school attendance for religious
13 purposes pursuant to section 15-806.
14 (o) Policies related to parental involvement pursuant to this section.
15 (p) The right to seek membership on school councils pursuant to
16 section 15-351.
17 (q) The right to participate in a parental satisfaction survey
18 pursuant to section 15-353.
19 (r) Information about the student accountability information system as
20 prescribed in section ~~15-1042~~ 15-1041.
21 (s) The right to access the failing schools tutoring fund pursuant to
22 section 15-241.
23 B. The policy adopted by the governing board pursuant to this section
24 may also include the following components:
25 1. A plan by which parents will be made aware of the district's
26 parental involvement policy and this section, including:
27 (a) Rights under the family educational rights and privacy act of 1974
28 (20 United States Code section 1232g) relating to access to children's
29 official records.
30 (b) The parent's right to inspect the school district policies and
31 curriculum.
32 2. Efforts to encourage the development of parenting skills.
33 3. The communication to parents of techniques designed to assist the
34 child's learning experience in the home.
35 4. Efforts to encourage access to community and support services for
36 children and families.
37 5. The promotion of communication between the school and parents
38 concerning school programs and the academic progress of the parents'
39 children.
40 6. Identifying opportunities for parents to participate in and support
41 classroom instruction at the school.
42 7. Efforts to support, with appropriate training, parents as shared
43 ~~decision-makers~~ DECISION-MAKERS and to encourage membership on school
44 councils.

1 TRANSMITTED INFECTIONS, INCLUDING THE HUMAN IMMUNODEFICIENCY VIRUS AND
2 ACQUIRED IMMUNODEFICIENCY SYNDROME.

3 3. STRESS THE IMPORTANCE OF EFFECTIVELY USING CONTRACEPTIVES AND
4 BARRIER METHODS TO PREVENT UNINTENDED PREGNANCY AND TO PROTECT AGAINST
5 SEXUALLY TRANSMITTED INFECTIONS, INCLUDING THE HUMAN IMMUNODEFICIENCY VIRUS
6 AND ACQUIRED IMMUNODEFICIENCY SYNDROME.

7 4. HELP STUDENTS DEVELOP THE RELATIONSHIP AND COMMUNICATION SKILLS TO
8 FORM HEALTHY RELATIONSHIPS THROUGHOUT THEIR LIVES THAT ARE BASED ON MUTUAL
9 RESPECT AND AFFECTION AND FREE FROM VIOLENCE, COERCION AND INTIMIDATION.

10 5. HELP YOUNG PEOPLE GAIN KNOWLEDGE ABOUT THE PHYSICAL, SOCIAL AND
11 EMOTIONAL CHANGES OF ADOLESCENCE AND SUBSEQUENT STAGES OF HUMAN MATURATION,
12 INCLUDING HOW PREGNANCY OCCURS.

13 6. HELP STUDENTS DEVELOP SKILLS IN CRITICAL THINKING, PROBLEM SOLVING,
14 DECISION MAKING AND STRESS MANAGEMENT IN ORDER TO MAKE HEALTHY DECISIONS
15 ABOUT SEXUALITY AND RELATIONSHIPS.

16 7. ENCOURAGE YOUTH TO COMMUNICATE WITH THEIR PARENTS AND GUARDIANS,
17 HEALTH CARE AND SOCIAL SERVICE PROFESSIONALS AND OTHER TRUSTED ADULTS ABOUT
18 SEXUALITY AND INTIMATE RELATIONS.

19 C. A TEACHER WHO PROVIDES SEX EDUCATION INSTRUCTION, AT THE TEACHER'S
20 DISCRETION, MAY ANSWER IN GOOD FAITH ANY QUESTION INITIATED BY A STUDENT OR
21 STUDENTS THAT IS REASONABLY RELATED TO AND CONSISTENT WITH THE MATERIAL OF
22 THE COURSE.

23 D. THE DEPARTMENT OF EDUCATION MAY ELIMINATE OR MODIFY COMPONENTS OF
24 SEX EDUCATION IN ELEMENTARY SCHOOL FOR REASONS OF AGE-APPROPRIATENESS.

25 E. SEX EDUCATION INSTRUCTION MAY NOT DISCRIMINATE ON THE BASIS OF SEX,
26 RACE, ETHNICITY, NATIONAL ORIGIN, DISABILITY, RELIGION, SEXUAL ORIENTATION OR
27 GENDER IDENTITY.

28 F. SCHOOL DISTRICTS SHALL MAKE SEX EDUCATION CURRICULA AVAILABLE FOR
29 VIEWING AS PROVIDED IN SECTION 15-102.

30 G. A STUDENT MAY BE EXCUSED FROM ANY PART OF THE INSTRUCTION PROVIDED
31 IN ACCORDANCE WITH THIS SECTION ONLY AT THE WRITTEN REQUEST OF THE STUDENT'S
32 PARENT OR GUARDIAN.

33 H. A STUDENT IS NOT SUBJECT TO DISCIPLINARY ACTION, AN ACADEMIC
34 PENALTY OR ANOTHER SANCTION IF THE STUDENT'S PARENT OR GUARDIAN REQUESTS THAT
35 THE STUDENT NOT RECEIVE THE INSTRUCTION PROVIDED UNDER THIS SECTION.

36 I. THE DEPARTMENT OF EDUCATION SHALL DO ALL OF THE FOLLOWING:

37 1. ADOPT RULES TO IMPLEMENT, ADMINISTER AND ENSURE COMPLIANCE WITH
38 THIS SECTION.

39 2. DEVELOP AND MAINTAIN A CURRENT LIST OF SEXUAL HEALTH EDUCATION
40 CURRICULA THAT ARE CONSISTENT WITH THIS SECTION AND MAKE THIS LIST AVAILABLE
41 TO THE PUBLIC.

42 3. DESIGNATE MINIMUM EDUCATION AND TRAINING QUALIFICATIONS FOR SEX
43 EDUCATION INSTRUCTORS.

44 4. DIRECT EACH SCHOOL DISTRICT TO IDENTIFY ANY CURRICULA USED TO
45 PROVIDE SEX EDUCATION AND REPORT THIS INFORMATION EVERY TWO YEARS TO THE

1 PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF
2 THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER OF THE HOUSE OF
3 REPRESENTATIVES.

4 J. THE DEPARTMENT OF EDUCATION MAY ADOPT RULES PURSUANT TO TITLE 41,
5 CHAPTER 6 THAT PRESCRIBE PROCEDURES TO ENFORCE THIS SECTION, INCLUDING
6 PROCEDURES TO INITIATE A COMPLAINT FOR A VIOLATION OF THIS SECTION AND TO
7 APPEAL A FINAL DETERMINATION BY THE DEPARTMENT OF EDUCATION.

8 K. NOTWITHSTANDING SUBSECTION J OF THIS SECTION, ANY PARENT OR
9 GUARDIAN WITH A CHILD ENROLLED IN A SCHOOL DISTRICT, OR ANY STUDENT HAVING
10 LEGAL CAPACITY ENROLLED IN A SCHOOL DISTRICT, WHO BELIEVES THAT THE SCHOOL
11 DISTRICT IS NOT COMPLYING WITH THE REQUIREMENTS OF THIS SECTION MAY FILE AN
12 ACTION IN SUPERIOR COURT TO ENFORCE THIS SECTION.

13 L. FOR THE PURPOSES OF THIS SECTION:

14 1. "AGE-APPROPRIATE" MEANS TOPICS, MESSAGES AND TEACHING METHODS THAT
15 ARE SUITABLE TO PARTICULAR AGE AND DEVELOPMENTAL LEVELS, BASED ON THE
16 COGNITIVE, EMOTIONAL, SOCIAL AND EXPERIENCE LEVELS OF MOST STUDENTS AT THAT
17 AGE LEVEL.

18 2. "MEDICALLY ACCURATE" MEANS INFORMATION THAT IS SUPPORTED BY
19 PEER-REVIEWED RESEARCH CONDUCTED IN COMPLIANCE WITH ACCEPTED SCIENTIFIC
20 METHODS, THAT IS RECOGNIZED AS ACCURATE AND OBJECTIVE BY LEADING MEDICAL,
21 PSYCHOLOGICAL, PSYCHIATRIC AND PUBLIC HEALTH ORGANIZATIONS AND AGENCIES AND,
22 IF RELEVANT, THAT IS PUBLISHED IN PEER-REVIEWED SCIENTIFIC JOURNALS.

23 Sec. 3. Legislative findings and intent

24 A. The legislature finds and declares that:

25 1. Students in Arizona often lack the education they need to prevent
26 unintended pregnancy and sexually transmitted infections.

27 2. About half of high school students nationwide have had sexual
28 intercourse.

29 3. It is estimated that four out of every ten new human
30 immunodeficiency virus infections occur in a youth under the age of thirty,
31 imposing a tremendous economic burden.

32 4. Research shows that education programs that emphasize the
33 importance of delaying teen sexual activity and that teach teens proper
34 condom and contraceptive use:

35 (a) Delay the initiation of sex.

36 (b) Reduce the frequency of sex, the number of partners and the
37 incidence of unprotected sex.

38 (c) Increase the use of condoms and contraception.

39 5. Long-term impacts in some programs have included rates of sexually
40 transmitted infections or pregnancy, or both.

41 6. The most effective sex education is linked to programs ensuring
42 access to health care in general and reproductive health services in
43 particular. Recent research attributes most of the decline in teenage
44 pregnancy rates to increased use of contraceptives by teens rather than to
45 declines in sexual activity.

1 7. Parents and leading health and education organizations support
2 comprehensive sex education. The American medical association, the American
3 nurses association, the American academy of pediatrics, the American college
4 of obstetricians and gynecologists, the American public health association,
5 the institute of medicine, the society of adolescent medicine, the American
6 federation of teachers, the national education association and the national
7 school boards association support sex education that includes information
8 about both delaying sexual activity and effective contraception use.

9 8. Sex education programs that are paired with broader, more
10 comprehensive instruction can help prepare young people to reach intellectual
11 and emotional maturity. Research shows that programs that discourage risky
12 sexual behavior, encourage teens to postpone sexual activity and prepare
13 teens to use contraceptives to prevent unintended pregnancies and sexually
14 transmitted infections, including the human immunodeficiency virus, are more
15 successful when they are presented as part of programs designed to give teens
16 the skills and experiences they need to succeed in school and lead healthy
17 and fulfilling lives.

18 9. Sex education complements and enhances human immunodeficiency virus
19 and acquired immunodeficiency syndrome education programs. Research shows
20 that sex education programs that incorporate information on the prevention of
21 sexually transmitted diseases and the human immunodeficiency virus can help
22 reduce sexual risk-taking.

23 10. Studies show that discussion between young people and their parents
24 or guardians helps young people make responsible and healthy life decisions.

25 B. The legislature intends that sex education should promote healthy
26 attitudes concerning adolescent growth and development, body image, gender
27 identity, gender expression, sexuality, sexual orientation, dating,
28 relationships and family and should positively affect adolescent behavior.
29 Sex education should provide teens with the information, skills, and support
30 they need to develop positive values and make healthy decisions and to
31 respect the important role sexuality plays throughout a person's life.

32 Sec. 4. Short title

33 This act may be cited as "The Healthy Youth Act".