



ARIZONA STATE SENATE
Fifty-Fourth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1082

sex education; schools

Purpose

Modifies requirements and prohibitions relating to sex education instruction including approval of curricula and parental notification and permission. Prohibits sex education instruction for pupils in kindergarten through grade 6.

Background

A school district is prohibited from providing sex education instruction to a pupil without written permission from their parent. A school district governing board (governing board) must adopt procedures to notify parents in advance and provide them the opportunity to withdraw their children from any instruction or presentations regarding sexuality in courses other than formal sex education curricula ([A.R.S. § 15-102](#)). A school district that offers any sex education curricula must include instruction on laws relating to sexual conduct with a minor for pupils in grades 7 through 12 ([A.R.S. § 15-711](#)).

School districts may provide instruction to pupils in kindergarten through grade 12 on acquired immune deficiency syndrome (AIDS) and the human immunodeficiency virus (HIV). Instruction must be grade-level appropriate, medically accurate, promote abstinence, discourage drug abuse and dispel myths regarding transmission of HIV ([A.R.S. § 15-716](#)). A parent has the right to opt their pupil out of instruction on AIDS ([A.R.S. § 15-102](#)).

Current statute defines *harmful to minors* as that quality of any description or representation, in whatever form, of nudity, sexual activity, sexual conduct, sexual excitement or sadomasochistic abuse that appeals to prurient interest, is portrayed in a patently offensive way and does not have serious literary, artistic, political or scientific value ([A.R.S. § 13-3501](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Instruction Requirements

1. Prohibits a school district or charter school from providing sex education instruction to pupils before grade 7.
2. Allows a school district or charter school to provide health instruction and instruction on personal safety and Arizona health standards to pupils in kindergarten through grade 6.

3. Prohibits instruction on sex education from occurring outside of the sex education instruction developed and adopted by the governing board or charter school governing body (governing body).

Curricula Requirements

4. Allows a school district to adopt an existing sex education course of study.
5. Allows a charter school to develop its own sex education course of study or adopt an existing sex education course of study.
6. Requires a charter school with existing sex education curricula to include instruction on laws relating to sexual conduct with a minor for pupils in grades 7 through 12.
7. Requires sex education instruction adopted by a school district or charter school to:
 - a) be appropriate to the grade level and be medically accurate;
 - b) promote abstinence or the return to abstinence for sexually active pupils;
 - c) promote abstinence as the expected standard of conduct for minors;
 - d) discourage drug abuse;
 - e) dispel myths regarding transmission of HIV; and
 - f) emphasize sexual risk avoidance rather than reduction.
8. Prohibits sex education instruction that does the following:
 - a) furnishes harmful items to minors;
 - b) normalizes sexual conduct between minors or with a minor; and
 - c) suggests sexual conduct between minors is safe or without risk.
9. Allows a school district or charter school to request the Arizona Department of Health Services or the Arizona Department of Education (ADE) review sex education instructional materials to determine their medical accuracy.
10. Removes a school district's option to consult with ADE on a suggested course of study, teacher training, available films and other teacher aids relating to instruction on AIDS and HIV.

Curricula Approval

11. Requires a governing board or governing body to review and approve a sex education course of study that is developed, adopted, revised or updated.
12. Requires a governing board or governing body, prior to approving any sex education course of study, to:
 - a) ensure all meetings with the purpose of reviewing and selecting the course of study are publicly noticed at least two weeks before occurring and are open to the public;
 - b) make any proposed course of study available for public review and comment for at least 60 days before the governing board or governing body considers approval; and
 - c) conduct at least two public hearings during the 60-day approval process.

13. Specifies that public comment includes written and oral comments and comments submitted through email.

Parental Notification and Permission

14. Prohibits a charter school from providing sex education instruction to a pupil without written permission from their parent to participate in the sex education curricula.
15. Requires a school district and charter school seeking written permission from a pupil's parent, to include:
 - a) a written permission form with an outline of the topics included in the sex education curricula;
 - b) notification of the parent's right to review the learning materials; and
 - c) notification of the availability of the learning materials for review at the school and district office during regular business hours.
16. Requires a school district or charter school to notify all parents of the course of study and provide course materials at an accessible location at least two weeks prior to offering the instruction.
17. Requires parental notification of sex education instruction to include:
 - a) information on any business, organization, guest speaker, outside entity, contractor or other person that may provide or assist with sex education materials or instruction;
 - b) information on any sex education material or instruction that refers pupils to visit or research available clinics, businesses or other outside resources as outlined in statute regarding abortion clinics; and
 - c) an acknowledgement that the school district or charter school has reviewed the sex education materials and instruction and determined they are not harmful to minors.
18. Requires governing bodies to develop and adopt advance parental notification procedures and provide parents the opportunity to withdraw their children from any instruction or presentations related to sex, sexuality or sexual activity in courses other than formal sex education curricula.
19. Includes instruction or presentations regarding sex and sexual activity in courses other than formal sex education curricula as subject to parental notification and pupil withdraw procedures adopted by a governing board.
20. Requires sex education instruction that occurs after school hours to comply with all parental notification and permission requirements.
21. Includes teacher instructional materials and any materials used by pupils in the learning materials that are subject to parental review procedures adopted by a governing board.
22. Allows a governing body to adopt policies that:
 - a) inform parents of a parental involvement policy;
 - b) encourage the development of parenting skills and techniques to assist a child's learning experience in the home;

- c) promote parental communication with the school;
 - d) identify parental participation opportunities;
 - e) support parents as decision-makers and encourage membership on school councils;
 - f) develop programs and courses for certificated employees and administrators to promote parental involvement; and
 - g) provide parental information in an electronic form.
23. Allows a parent to submit a written request for information to a governing body if their request to a school principal was denied or information was not received within 15 days after submitting the request.
24. Requires the governing body to formally consider the parent request for information at a scheduled public meeting.

Complaint Process

25. Requires a pupil or a pupil's parent, seeking to initiate legal action, to submit a complaint in writing to the school principal with specific facts of the alleged violation.
26. Requires the school principal to investigate the complaint and respond in writing with a description of any action taken to resolve the complaint within 15 days after receiving the complaint.
27. Directs a pupil or a pupil's parent, if action taken by the principal does not resolve the complaint, to submit a complaint in writing to the superintendent or designated administrator with specific facts of the alleged violation.
28. Requires the superintendent or designated administrator to investigate the complaint and respond in writing with a description of any action taken to resolve the complaint within 25 days after receiving the complaint.
29. Allows a pupil or a pupil's parent to pursue legal action if action taken by the superintendent or designated administrator does not resolve the complaint.

Definitions

30. Removes *homosexuality* from the definition of *sexual conduct*.
31. Defines *course of study* as any framework or curricula, including textbooks, teaching aids, instructional materials and supplemental instructional materials, whether printed or in digital format.
32. Defines *sex education* as any course of study or instruction on human sexuality, sexual activity, sexual conduct, ultimate sexual acts (as defined in the [Criminal Code](#)), intimate relationships, sexually transmitted infections, contraception, pregnancy, or acquired immune deficiency syndrome and the human immunodeficiency virus.

33. Defines *health instruction* as any instruction including discussions of essential health principles and skills, of a non-sexual nature, necessary to develop and maintain healthy behaviors and lifestyles, as well as age-appropriate instruction on physical, biological and hormonal changes during the stages of human maturation.
34. Defines *personal safety* as any age-appropriate instruction that promotes a child's self-protection, including how to avoid potentially dangerous or risky encounters, sexual contact and unwanted physical contact.
35. Defines *abstinence* as abstaining from all sexual conduct and ultimate sexual acts.
36. Requires each school district and charter school with existing sex education instruction to review its course of study and comply with requirements by December 15, 2020.
37. Repeals the requirement that each school district and charter school review its existing sex education course of study on January 1, 2021.
38. Makes technical and conforming changes.
39. Becomes effective on the general effective date.

Prepared by Senate Research
January 10, 2020
JO/JP/gs