

REFERENCE TITLE: parental consent; student groups; sexuality

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# HB 2011

Introduced by  
Representative Kavanagh

AN ACT

AMENDING SECTIONS 15-102, 15-113 AND 15-711, ARIZONA REVISED STATUTES;  
RELATING TO STUDENT GROUPS.

(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  
7 involvement of parents and guardians of children enrolled in the schools  
8 within the school district, including:

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

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

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

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

29 5. Procedures by which parents will be notified in advance of and  
30 given the opportunity to opt their children in to any instruction,  
31 learning materials or presentations regarding sexuality, in courses other  
32 than formal sex education curricula.

33 6. PROCEDURES TO PROHIBIT THE SCHOOL DISTRICT FROM ALLOWING ANY  
34 STUDENT TO PARTICIPATE IN ANY SCHOOL STUDENT GROUP OR CLUB INVOLVING  
35 SEXUALITY, GENDER OR GENDER IDENTITY UNLESS THE STUDENT'S PARENT PROVIDES  
36 WRITTEN PERMISSION FOR THE STUDENT TO PARTICIPATE IN THE STUDENT GROUP OR  
37 CLUB.

38 7. PROCEDURES TO ALLOW PARENTS TO REVIEW THE FORMATIONAL DOCUMENTS,  
39 AS DEFINED IN SECTION 15-113, OF ANY SCHOOL STUDENT GROUP OR CLUB  
40 INVOLVING SEXUALITY, GENDER OR GENDER IDENTITY.

41 ~~6.~~ 8. Procedures by which parents may learn about the nature and  
42 purpose of clubs and activities that are part of the school curriculum,  
43 extracurricular clubs and activities that have been approved by the  
44 school.

1           ~~7.~~ 9. Procedures by which parents may learn about parental rights  
2 and responsibilities under the laws of this state, including the  
3 following:

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

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

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

8           (d) The right to opt out of immunizations pursuant to section  
9 15-873.

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

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

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

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

16          (i) The right to participate in gifted programs pursuant to section  
17 15-779.01.

18          (j) The right to access instructional materials pursuant to section  
19 15-730.

20          (k) The right to receive a school report card pursuant to section  
21 15-746.

22          (l) The attendance requirements prescribed in sections 15-802,  
23 15-803 and 15-821.

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

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

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

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

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

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

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

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

40           (a) Rights under the family educational rights and privacy act of  
41 1974 (20 United States Code section 1232g) relating to access to  
42 children's official records.

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

- 1           2. Efforts to encourage the development of parenting skills.
- 2           3. Communicating to parents techniques that are designed to assist
- 3 the child's learning experience in the home.
- 4           4. Efforts to encourage access to community and support services
- 5 for children and families.
- 6           5. Promoting communication between the school and parents
- 7 concerning school programs and the academic progress of the parents'
- 8 children.
- 9           6. Identifying opportunities for parents to participate in and
- 10 support classroom instruction at the school.
- 11           7. Efforts to support, with appropriate training, parents as shared
- 12 decision-makers and to encourage membership on school councils.
- 13           8. Recognizing the diversity of parents and developing guidelines
- 14 that promote widespread parental participation and involvement in the
- 15 school at various levels.
- 16           9. Developing preparation programs and specialized courses for
- 17 certificated employees and administrators that promote parental
- 18 involvement.
- 19           10. Developing strategies and programmatic structures at schools to
- 20 encourage and enable parents to participate actively in their children's
- 21 education.
- 22           C. The governing board may adopt a policy to provide to parents the
- 23 information required by this section in an electronic form.
- 24           D. A parent shall submit a written request for information pursuant
- 25 to this section during regular business hours to either the school
- 26 principal at the school site or the superintendent of the school district
- 27 at the office of the school district. Within ten days after receiving the
- 28 request for information, the school principal or the superintendent of the
- 29 school district shall either deliver the requested information to the
- 30 parent or submit to the parent a written explanation of the reasons for
- 31 denying the requested information. If the request for information is
- 32 denied or the parent does not receive the requested information within
- 33 fifteen days after submitting the request for information, the parent may
- 34 submit a written request for the information to the school district
- 35 governing board, which shall formally consider the request at the next
- 36 scheduled public meeting of the governing board if the request can be
- 37 properly noticed on the agenda. If the request cannot be properly noticed
- 38 on the agenda, the governing board shall formally consider the request at
- 39 the next subsequent public meeting of the governing board.
- 40           E. For the purposes of this section, "parent" means the natural or
- 41 adoptive parent or legal guardian of a minor child.

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

3           15-113. Rights of parents; public educational institutions;  
4                           definitions

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

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

18           C. A charter school may require that any request to review learning  
19 materials or activities or to withdraw the student from learning materials  
20 or activities pursuant to subsection A of this section be made in writing.

21           D. A PARENT OF A STUDENT IN A PUBLIC EDUCATIONAL INSTITUTION HAS  
22 THE RIGHT TO REVIEW THE FORMATIONAL DOCUMENTS OF ANY SCHOOL STUDENT GROUP  
23 OR CLUB INVOLVING SEXUALITY, GENDER OR GENDER IDENTITY.

24           ~~D.~~ E. A public educational institution shall obtain signed,  
25 written consent from a student's parent or guardian before doing ~~either~~  
26 ANY of the following:

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

29           2. Providing sex education instruction to the student. At the same  
30 time the public educational institution seeks consent, it shall inform the  
31 student's parent or guardian of the parent's or guardian's right to review  
32 the ~~instructional~~ LEARNING materials and activities.

33           3. ALLOWING A STUDENT TO PARTICIPATE IN ANY SCHOOL STUDENT GROUP OR  
34 CLUB INVOLVING SEXUALITY, GENDER OR GENDER IDENTITY. AT THE SAME TIME THE  
35 PUBLIC EDUCATIONAL INSTITUTION SEEKS CONSENT, IT SHALL INFORM THE  
36 STUDENT'S PARENT OR GUARDIAN OF THE PARENT'S OR GUARDIAN'S RIGHT TO REVIEW  
37 THE GROUP'S OR CLUB'S FORMATIONAL DOCUMENTS.

38           ~~E.~~ F. For the purposes of this section:

39           1. "FORMATIONAL DOCUMENTS" INCLUDES BYLAWS, STATEMENTS OF PURPOSE,  
40 MISSION STATEMENTS, GOALS OR RELATED DOCUMENTS.

41           ~~F.~~ 2. "Objects to any learning material or activity on the basis  
42 that the material or activity is harmful" means objecting to the material  
43 or activity because of sexual content, violent content or profane or  
44 vulgar language.

- 1           ~~2.~~ 3. "Public educational institution" means any of the following:  
2           (a) A school district, including its schools.  
3           (b) A charter school.  
4           (c) An accommodation school.  
5           (d) The Arizona state schools for the deaf and the blind.

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

8           15-711. Sex education instruction; minimum grade; student  
9                                   groups and clubs; parental review of materials;  
10                                   sexual conduct with a minor; review and approval of  
11                                   course of study; public hearings and input;  
12                                   definition

13           A. School districts and charter schools may not:

14           1. Provide sex education instruction before grade five.

15           2. ~~ALLOW ANY STUDENT TO PARTICIPATE IN ANY SCHOOL STUDENT GROUP OR~~  
16 ~~CLUB INVOLVING SEXUALITY, GENDER OR GENDER IDENTITY UNLESS THE STUDENT'S~~  
17 ~~PARENT PROVIDES WRITTEN PERMISSION FOR THE STUDENT TO PARTICIPATE IN THE~~  
18 ~~STUDENT GROUP OR CLUB.~~

19           B. Before a parent provides written permission for the parent's  
20 child to participate in any sex education curricula ~~OR STUDENT GROUP OR~~  
21 ~~CLUB DESCRIBED IN SUBSECTION A, PARAGRAPH 2 OF THIS SECTION~~, the school  
22 district or charter school shall make the sex education curricula ~~OR THE~~  
23 ~~GROUP'S OR CLUB'S FORMATIONAL DOCUMENTS~~ available for the parent's review  
24 online and in person pursuant to section 15-102, subsection A, paragraph 2  
25 ~~OR 7~~. The school district or charter school shall notify parents where  
26 the sex education curricula are available for review at least two weeks  
27 before any instruction is offered pursuant to this section ~~OR WHERE THE~~  
28 ~~FORMATIONAL DOCUMENTS ARE AVAILABLE.~~

29           C. Each school district or charter school with existing sex  
30 education curricula shall include instruction on the laws relating to  
31 sexual conduct with a minor for pupils in grades seven, eight, nine, ten,  
32 eleven and twelve.

33           D. Each school district or charter school may develop its own sex  
34 education course of study or adopt an existing sex education course of  
35 study to meet the requirements of this section.

36           E. Before a school district or charter school offers sex education  
37 instruction, the school district governing board or charter school  
38 governing body shall review and approve the sex education course of study  
39 that is developed, adopted, revised or updated pursuant to this section.  
40 The governing board or governing body:

41           1. Shall provide parents with a meaningful opportunity to  
42 participate in, review and provide input on any proposed sex education  
43 course of study before it is ~~adopted~~ ~~APPROVED~~.

44           2. May not approve a course of study unless it complies with this  
45 section.

1 F. Before approving any sex education course of study developed,  
2 adopted, revised or updated pursuant to this section, the school district  
3 governing board or charter school governing body shall do all of the  
4 following:

5 1. Require that all meetings of committees that are authorized for  
6 the purposes of reviewing and selecting the sex education course of study  
7 be publicly noticed at least two weeks before occurring and be open to the  
8 public pursuant to title 38, chapter 3, article 3.1.

9 2. Make any proposed sex education course of study available and  
10 accessible for review and public comment for at least sixty days before  
11 the governing board or governing body decides whether to approve that  
12 course of study.

13 3. Conduct at least two public hearings within the sixty-day period  
14 before the governing board or governing body decides whether to approve  
15 any course of study. Public comment may include written comments, oral  
16 comments and comments submitted through email.

17 G. A school district or charter school is not required to provide  
18 sex education instruction to pupils. If a school district or charter  
19 school decides to provide sex education instruction after school hours,  
20 this section and section 15-102 apply.

21 H. This section does not prohibit age and grade appropriate  
22 classroom instruction regarding child assault awareness and abuse  
23 prevention.

24 I. FOR THE PURPOSES OF THIS SECTION, "FORMATIONAL DOCUMENTS"  
25 INCLUDES BYLAWS, STATEMENTS OF PURPOSE, MISSION STATEMENTS, GOALS OR  
26 RELATED DOCUMENTS.