

REFERENCE TITLE: sex education; parental consent; schools

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

HB 2061

Introduced by
Representatives Blackman: Bolick

AN ACT

AMENDING SECTIONS 15-102 AND 15-711, ARIZONA REVISED STATUTES; REPEALING SECTION 15-716, ARIZONA REVISED STATUTES; RELATING TO SCHOOL INSTRUCTION.

(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; definitions

5 A. ~~The~~ EACH SCHOOL DISTRICT governing board, in consultation with
6 parents, teachers and administrators, shall develop and adopt a policy to
7 promote the involvement of parents and guardians of children enrolled in
8 the schools 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~~ WHICH INCLUDE
15 the ~~source~~ INSTRUCTIONAL MATERIALS USED BY A TEACHER AND ANY MATERIALS
16 USED BY PUPILS AND THE SOURCES of THOSE MATERIALS AND any supplemental
17 educational materials.

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

25 4. If a school district offers any sex education curricula pursuant
26 to section 15-711 ~~or 15-716~~ or pursuant to any rules adopted by the state
27 board of education, procedures to prohibit the school district from
28 providing sex education instruction to a pupil unless the pupil's parent
29 provides written permission for the ~~child~~ PUPIL to participate in the sex
30 education curricula. IN SEEKING WRITTEN PERMISSION FROM THE PUPIL'S
31 PARENT PURSUANT TO THIS PARAGRAPH, THE SCHOOL DISTRICT SHALL MAKE ALL SEX
32 EDUCATION CURRICULA AVAILABLE FOR THE PUPIL'S PARENT TO REVIEW BEFORE THE
33 PARENT PROVIDES WRITTEN PERMISSION.

34 5. Procedures by which parents will be notified in advance of and
35 given the opportunity to opt their children in to any instruction,
36 learning materials or presentations regarding SEX, sexuality OR SEXUAL
37 ACTIVITY, in courses other than formal sex education curricula.

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

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

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

- 1 (b) Open enrollment rights pursuant to section 15-816.01.
- 2 (c) The right to opt out of assignments pursuant to this section.
- 3 (d) The right to opt out of immunizations pursuant to section
- 4 15-873.
- 5 (e) The promotion requirements prescribed in section 15-701.
- 6 (f) The minimum course of study and competency requirements for
- 7 graduation from high school prescribed in section 15-701.01.
- 8 ~~(g) The right to opt out of instruction on acquired immune~~
- 9 ~~deficiency syndrome pursuant to section 15-716.~~
- 10 ~~(h)~~ (g) The right to review test results pursuant to section
- 11 15-743.
- 12 ~~(i)~~ (h) The right to participate in gifted programs pursuant to
- 13 section 15-779.01.
- 14 ~~(j)~~ (i) The right to access instructional materials pursuant to
- 15 section 15-730.
- 16 ~~(k)~~ (j) The right to receive a school report card pursuant to
- 17 section 15-746.
- 18 ~~(l)~~ (k) The attendance requirements prescribed in sections 15-802,
- 19 15-803 and 15-821.
- 20 ~~(m)~~ (l) The right to public review of courses of study and
- 21 textbooks pursuant to sections 15-721 and 15-722.
- 22 ~~(n)~~ (m) The right to be excused from school attendance for
- 23 religious purposes pursuant to section 15-806.
- 24 ~~(o)~~ (n) Policies related to parental involvement pursuant to this
- 25 section.
- 26 ~~(p)~~ (o) The right to seek membership on school councils pursuant
- 27 to section 15-351.
- 28 ~~(q)~~ (p) Information about the student accountability information
- 29 system as prescribed in section 15-1041.
- 30 ~~(r)~~ (q) The right to access the failing schools tutoring fund
- 31 pursuant to section 15-241.

32 B. EACH CHARTER SCHOOL GOVERNING BODY, IN CONSULTATION WITH
33 PARENTS, TEACHERS AND ADMINISTRATORS, SHALL DEVELOP AND ADOPT A POLICY TO
34 PROHIBIT THE CHARTER SCHOOL FROM PROVIDING SEX EDUCATION INSTRUCTION TO A
35 PUPIL IF THE CHARTER SCHOOL OFFERS ANY SEX EDUCATION CURRICULA PURSUANT TO
36 SECTION 15-711 OR PURSUANT TO ANY RULES ADOPTED BY THE STATE BOARD OF
37 EDUCATION UNLESS THE PUPIL'S PARENT PROVIDES WRITTEN PERMISSION FOR THE
38 PUPIL TO PARTICIPATE IN THE SEX EDUCATION CURRICULA. IN SEEKING WRITTEN
39 PERMISSION FROM THE PUPIL'S PARENT PURSUANT TO THIS SUBSECTION, THE
40 CHARTER SCHOOL SHALL MAKE ALL SEX EDUCATION CURRICULA AVAILABLE FOR THE
41 PUPIL'S PARENT TO REVIEW BEFORE THE PARENT PROVIDES WRITTEN PERMISSION.

42 ~~B. C. The policy~~ POLICIES adopted by ~~the~~ SCHOOL DISTRICT governing
43 ~~board~~ BOARDS OR CHARTER SCHOOL GOVERNING BODIES pursuant to this section
44 may also include the following components:

- 1 1. A plan by which parents will be made aware of the SCHOOL
2 district's OR CHARTER SCHOOL'S parental involvement policy and this
3 section, including:
- 4 (a) Rights under the family educational rights and privacy act of
5 1974 (20 United States Code section 1232g) relating to access to
6 children's official records.
- 7 (b) The parent's right to inspect the school district OR CHARTER
8 SCHOOL policies and curriculum.
- 9 2. Efforts to encourage the development of parenting skills.
- 10 3. Communicating to parents techniques that are designed to assist
11 the child's learning experience in the home.
- 12 4. Efforts to encourage access to community and support services
13 for children and families.
- 14 5. Promoting communication between the school and parents
15 concerning school programs and the academic progress of the parents'
16 children.
- 17 6. Identifying opportunities for parents to participate in and
18 support classroom instruction at the school.
- 19 7. Efforts to support, with appropriate training, parents as shared
20 decision-makers and to encourage membership on school councils.
- 21 8. Recognizing the diversity of parents and developing guidelines
22 that promote widespread parental participation and involvement in the
23 school at various levels.
- 24 9. Developing preparation programs and specialized courses for
25 certificated employees and administrators that promote parental
26 involvement.
- 27 10. Developing strategies and programmatic structures at schools to
28 encourage and enable parents to participate actively in their children's
29 education.
- 30 ~~C.~~ D. The SCHOOL DISTRICT governing board BOARDS AND CHARTER
31 SCHOOL GOVERNING BODIES may adopt a policy to provide to parents the
32 information required by this section in an electronic form.
- 33 ~~D.~~ E. A parent shall submit a written request for information
34 pursuant to this section during regular business hours to either the
35 school principal at the school site or the superintendent of the school
36 district at the office of the school district. Within ten days after
37 receiving the request for information, the school principal or the
38 superintendent of the school district shall either deliver the requested
39 information to the parent or submit to the parent a written explanation of
40 the reasons for denying the requested information. If the request for
41 information is denied or the parent does not receive the requested
42 information within fifteen days after submitting the request for
43 information, the parent may submit a written request for the information
44 to the school district governing board OR CHARTER SCHOOL GOVERNING BODY,
45 which shall formally consider the request at the next scheduled public

1 meeting of the governing board OR GOVERNING BODY if the request can be
2 properly noticed on the agenda. If the request cannot be properly noticed
3 on the agenda, the governing board OR GOVERNING BODY shall formally
4 consider the request at the next subsequent public meeting of the
5 governing board OR GOVERNING BODY.

6 ~~E.~~ F. For the purposes of this section: ~~—~~

7 1. "Parent" means the natural or adoptive parent or legal guardian
8 of a minor child.

9 2. "SEX EDUCATION" MEANS ANY COURSE OF STUDY OR INSTRUCTION ON
10 HUMAN SEXUALITY, SEXUAL ACTIVITY, SEXUAL CONDUCT, ULTIMATE SEXUAL ACTS AS
11 DEFINED IN SECTION 13-3501, INTIMATE RELATIONSHIPS, SEXUALLY TRANSMITTED
12 INFECTIONS, CONTRACEPTION, PREGNANCY, ACQUIRED IMMUNE DEFICIENCY SYNDROME
13 OR THE HUMAN IMMUNODEFICIENCY VIRUS.

14 Sec. 2. Section 15-711, Arizona Revised Statutes, is amended to
15 read:

16 15-711. Sex education instruction; minimum grade; parental
17 review of curricula; sexual conduct with a minor;
18 review and approval of course of study; public
19 hearings and input; definition

20 A. School districts and charter schools may not provide sex
21 education instruction, INCLUDING INSTRUCTION ON ACQUIRED IMMUNE DEFICIENCY
22 SYNDROME AND THE HUMAN IMMUNODEFICIENCY VIRUS, before grade ~~five~~ SIX.
23 THIS SUBSECTION DOES NOT PROHIBIT A SCHOOL DISTRICT OR CHARTER SCHOOL FROM
24 PROVIDING HEALTH INSTRUCTION, INCLUDING INSTRUCTION ON PERSONAL SAFETY AND
25 INSTRUCTION IN ARIZONA HEALTH STANDARDS, TO PUPILS IN KINDERGARTEN
26 PROGRAMS AND GRADES ONE THROUGH FIVE.

27 B. Before a parent provides written permission for the parent's
28 child to participate in any sex education curricula, the school district
29 or charter school shall make the sex education curricula available for the
30 parent's review online and in person pursuant to section 15-102,
31 subsection A, ~~paragraph~~ PARAGRAPHS 2 AND 4 AND SUBSECTION B. The school
32 district or charter school shall notify parents where the sex education
33 curricula are available for review at least two weeks before any
34 instruction is offered pursuant to this section.

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

39 D. Each school district or charter school may develop its own sex
40 education course of study or adopt an existing sex education course of
41 study to meet the requirements of this section. ANY REVISION OR UPDATE TO
42 A SEX EDUCATION COURSE OF STUDY SHALL MEET THE REQUIREMENTS OF THIS
43 SECTION.

1 E. Before a school district or charter school offers sex education
2 instruction, the school district governing board or charter school
3 governing body shall review and approve the sex education course of study
4 that is developed, adopted, revised or updated pursuant to this section.
5 The governing board or governing body:

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

9 2. May not approve a course of study unless it complies with this
10 section.

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

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

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

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

27 G. A school district or charter school is not required to provide
28 sex education instruction to pupils. If a school district or charter
29 school decides to provide sex education instruction after school hours,
30 this section and section 15-102 apply.

31 H. This section does not prohibit age and grade appropriate
32 classroom instruction regarding child assault awareness and abuse
33 prevention.

34 I. EACH SCHOOL DISTRICT AND CHARTER SCHOOL MAY DEVELOP ITS OWN
35 COURSE OF STUDY OR ADOPT AN EXISTING SEX EDUCATION COURSE OF STUDY FOR
36 EACH GRADE. AT A MINIMUM, ANY SEX EDUCATION INSTRUCTION SHALL:

37 1. BE APPROPRIATE TO THE GRADE LEVEL IN WHICH IT IS OFFERED.

38 2. BE MEDICALLY ACCURATE.

39 3. PROMOTE ABSTINENCE.

40 4. DISCOURAGE DRUG ABUSE.

41 5. DISPEL MYTHS REGARDING TRANSMISSION OF THE HUMAN
42 IMMUNODEFICIENCY VIRUS.

43 J. ANY SEX EDUCATION INSTRUCTION MAY NOT VIOLATE SECTION 13-1405 OR
44 13-3506.

1 K. AT THE REQUEST OF A SCHOOL DISTRICT OR CHARTER SCHOOL, THE
2 DEPARTMENT OF HEALTH SERVICES OR THE DEPARTMENT OF EDUCATION SHALL REVIEW
3 SEX EDUCATION INSTRUCTION MATERIALS TO DETERMINE THEIR MEDICAL ACCURACY.

4 L. FOR THE PURPOSES OF THIS SECTION, "SEX EDUCATION" HAS THE SAME
5 MEANING PRESCRIBED IN SECTION 15-102.

6 Sec. 3. Repeal
7 Section 15-716, Arizona Revised Statutes, is repealed.

8 Sec. 4. Existing sex education instruction; review and
9 revision; delayed repeal

10 A. On or before December 15, 2022, each school district and charter
11 school that offers any sex education instruction, including instruction on
12 acquired immune deficiency syndrome and the human immunodeficiency virus,
13 shall review its course of study and revise it, if necessary, to comply
14 with section 15-711, Arizona Revised Statutes, as amended by this act.

15 B. This section is repealed from and after December 31, 2022.