

REFERENCE TITLE: sex education; comprehensive; medically accurate

State of Arizona
House of Representatives
Fifty-fifth Legislature
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HB 2192

Introduced by
Representatives Powers Hannley: Andrade, Blackwater-Nygren, Butler, Cano,
Dalessandro, DeGrazia, Fernandez B, Liguori, Mathis, Quiñonez, Schwiebert,
Solorio, Senator Gabaldon

AN ACT

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

(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~~ 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 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 ~~unless~~ IF the pupil's
27 parent ~~provides written permission for the child to participate in~~
28 WITHDRAWS THE PUPIL FROM the sex education curricula.

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

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

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

39 (a) The right ~~to opt in~~ to WITHDRAW THE PUPIL FROM a sex education
40 curriculum ~~if one is provided by the school district~~ AS PROVIDED IN
41 SECTION 15-711.

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

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

44 (d) The right to opt out of immunizations pursuant to section
45 15-873.

- 1 (e) The promotion requirements prescribed in section 15-701.
2 (f) The minimum course of study and competency requirements for
3 graduation from high school prescribed in section 15-701.01.
4 (g) The right to ~~opt out of~~ WITHDRAW THE PUPIL FROM instruction on
5 acquired immune deficiency syndrome pursuant to section 15-716.
6 (h) The right to review test results pursuant to section 15-743.
7 (i) The right to participate in gifted programs pursuant to section
8 15-779.01.
9 (j) The right to access instructional materials pursuant to section
10 15-730.
11 (k) The right to receive a school report card pursuant to section
12 15-746.
13 (l) The attendance requirements prescribed in sections 15-802,
14 15-803 and 15-821.
15 (m) The right to public review of courses of study and textbooks
16 pursuant to sections 15-721 and 15-722.
17 (n) The right to be excused from school attendance for religious
18 purposes pursuant to section 15-806.
19 (o) Policies related to parental involvement pursuant to this
20 section.
21 (p) The right to seek membership on school councils pursuant to
22 section 15-351.
23 (q) Information about the student accountability information system
24 as prescribed in section 15-1041.
25 (r) The right to access the failing schools tutoring fund pursuant
26 to section 15-241.
27 B. The policy adopted by the governing board pursuant to this
28 section may also include the following components:
29 1. A plan by which parents will be made aware of the district's
30 parental involvement policy and this section, including:
31 (a) Rights under the family educational rights and privacy act of
32 1974 (20 United States Code section 1232g) relating to access to
33 children's official records.
34 (b) The parent's right to inspect the school district policies and
35 curriculum.
36 2. Efforts to encourage the development of parenting skills.
37 3. Communicating to parents techniques that are designed to assist
38 the child's learning experience in the home.
39 4. Efforts to encourage access to community and support services
40 for children and families.
41 5. Promoting communication between the school and parents
42 concerning school programs and the academic progress of the parents'
43 children.
44 6. Identifying opportunities for parents to participate in and
45 support classroom instruction at the school.

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

3 8. Recognizing the diversity of parents and developing guidelines
4 that promote widespread parental participation and involvement in the
5 school at various levels.

6 9. Developing preparation programs and specialized courses for
7 certificated employees and administrators that promote parental
8 involvement.

9 10. Developing strategies and programmatic structures at schools to
10 encourage and enable parents to participate actively in their children's
11 education.

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

14 D. A parent shall submit a written request for information pursuant
15 to this section during regular business hours to either the school
16 principal at the school site or the superintendent of the school district
17 at the office of the school district. Within ten days after receiving the
18 request for information, the school principal or the superintendent of the
19 school district shall either deliver the requested information to the
20 parent or submit to the parent a written explanation of the reasons for
21 denying the requested information. If the request for information is
22 denied or the parent does not receive the requested information within
23 fifteen days after submitting the request for information, the parent may
24 ~~submit a written~~ request ~~for~~ the information ~~to~~ IN WRITING FROM the school
25 district governing board, which shall formally consider the request at the
26 next scheduled public meeting of the governing board if the request can be
27 properly noticed on the agenda. If the request cannot be properly noticed
28 on the agenda, the governing board shall formally consider the request at
29 the next subsequent public meeting of the governing board.

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

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

34 15-113. Rights of parents; public educational institutions;
35 definitions

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

42 B. A charter school may require parents to waive the right to
43 object to learning materials or activities pursuant to subsection A of
44 this section as a condition of enrollment if the charter school provides a
45 complete list of books and materials to be used each school year before

1 the student enrolls. If the charter school introduces books or materials
2 that were not disclosed prior to enrollment, the parent retains the right
3 to object to those materials pursuant to subsection A of this section.

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

7 D. A public educational institution shall obtain signed, written
8 consent from a student's parent or guardian before ~~doing either of the~~
9 ~~following:~~

10 ~~1. using video, audio or electronic materials that may be~~
11 ~~inappropriate for the age of the student.~~

12 ~~2. Providing sex education instruction to the student. At the same~~
13 ~~time the public educational institution seeks consent, it shall inform the~~
14 ~~student's parent or guardian of the parent's or guardian's right to review~~
15 ~~the instructional materials and activities.~~

16 E. For the purposes of this section:

17 1. "Objects to any learning material or activity on the basis that
18 the material or activity is harmful" means objecting to the material or
19 activity because of sexual content, violent content or profane or vulgar
20 language.

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

22 (a) A school district, including its schools.

23 (b) A charter school.

24 (c) An accommodation school.

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

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

28 15-711. Sex education instruction; parental review of
29 curricula; sexual conduct with a minor; review and
30 approval of course of study; public hearings and
31 input; department assistance; withdrawal from
32 instruction; definitions

33 A. School districts and charter schools ~~may not~~ SHALL provide sex
34 education instruction ~~before grade five~~ THAT IS MEDICALLY ACCURATE AND
35 COMPREHENSIVE.

36 B. ~~Before a parent provides written permission for the parent's~~
37 ~~child to participate in any sex education curricula,~~ The school district
38 or charter school shall make the sex education curricula available for the
39 parent's review online and in person pursuant to section 15-102,
40 subsection A, paragraph 2. The school district or charter school shall
41 notify parents where the sex education curricula are available for review
42 at least two weeks before any instruction is offered pursuant to this
43 section.

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

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

8 E. Before a school district or charter school offers sex education
9 instruction, the school district governing board or charter school
10 governing body shall review and approve the sex education course of study
11 that is developed, adopted, revised or updated pursuant to this section.
12 The governing board or governing body:

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

16 2. May not approve a course of study unless it complies with this
17 section.

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

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

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

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

34 G. ~~A school district or charter school is not required to provide~~
35 ~~sex education instruction to pupils.~~ If a school district or charter
36 school decides to provide sex education instruction after school hours,
37 this section and section 15-102 apply.

38 H. This section does not prohibit age and grade appropriate
39 classroom instruction regarding child assault awareness and abuse
40 prevention.

41 I. AT THE REQUEST OF A SCHOOL DISTRICT OR CHARTER SCHOOL, THE
42 DEPARTMENT OF EDUCATION SHALL PROVIDE ASSISTANCE, INCLUDING:

43 1. A SUGGESTED COURSE OF STUDY.

44 2. TEACHER TRAINING.

1 J. AT THE REQUEST OF A PUPIL'S PARENT, A SCHOOL DISTRICT OR CHARTER
2 SCHOOL SHALL EXCUSE THE PUPIL FROM THE INSTRUCTION ON SEX EDUCATION AS
3 PRESCRIBED IN THIS SECTION. THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL
4 NOTIFY EACH PARENT OF THE ABILITY TO WITHDRAW THE PUPIL FROM THE
5 INSTRUCTION.

6 K. FOR THE PURPOSES OF THIS SECTION:

7 1. "COMPREHENSIVE" MEANS EVIDENCE-BASED PROGRAMS THAT BEGIN IN
8 MIDDLE SCHOOL OR JUNIOR HIGH SCHOOL GRADES AND CONTINUE THROUGH GRADE
9 TWELVE AND THAT PROVIDE PUPILS WITH OPPORTUNITIES FOR LEARNING
10 AGE-APPROPRIATE, MEDICALLY ACCURATE INFORMATION RELATED TO HUMAN
11 DEVELOPMENT, HEALTHY RELATIONSHIPS, DECISION-MAKING, ABSTINENCE,
12 CONTRACEPTION AND DISEASE PREVENTION.

13 2. "MEDICALLY ACCURATE" MEANS INFORMATION THAT IS ALL OF THE
14 FOLLOWING:

15 (a) VERIFIED OR SUPPORTED BY THE WEIGHT OF PEER-REVIEWED RESEARCH
16 CONDUCTED IN COMPLIANCE WITH ACCEPTED SCIENTIFIC METHODS.

17 (b) RECOGNIZED AS ACCURATE AND OBJECTIVE BY LEADING PROFESSIONAL
18 ORGANIZATIONS AND AGENCIES WITH RELEVANT EXPERTISE IN THE FIELD.

19 (c) PUBLISHED IN PEER-REVIEWED JOURNALS, IF APPROPRIATE.