

REFERENCE TITLE: **schools; sex education instruction**

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1691

Introduced by
Senator Gonzales

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 AND EACH CHARTER SCHOOL
6 GOVERNING BODY, in consultation with parents, teachers and administrators,
7 shall develop and adopt a policy to promote the involvement of parents and
8 guardians of children enrolled in the schools within the school district
9 OR CHARTER SCHOOL, including:

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

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

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

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

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

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

39 7. Procedures by which parents may learn about parental rights and
40 responsibilities under the laws of this state, including the following, AS
41 APPLICABLE:

42 (a) The right to opt ~~in to a~~ OUT OF sex education ~~curriculum if one~~
43 ~~is provided by the school district~~ INSTRUCTION AS PROVIDED IN SECTION
44 15-711.

- 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) The right to review test results pursuant to section 15-743.
- 11 (i) The right to participate in gifted programs pursuant to section
- 12 15-779.01.
- 13 (j) The right to access instructional materials pursuant to section
- 14 15-730.
- 15 (k) The right to receive a school report card pursuant to section
- 16 15-746.
- 17 (l) The attendance requirements prescribed in sections 15-802,
- 18 15-803 and 15-821.
- 19 (m) The right to public review of courses of study and textbooks
- 20 pursuant to sections 15-721 and 15-722.
- 21 (n) The right to be excused from school attendance for religious
- 22 purposes pursuant to section 15-806.
- 23 (o) Policies related to parental involvement pursuant to this
- 24 section.
- 25 (p) The right to seek membership on school councils pursuant to
- 26 section 15-351.
- 27 (q) Information about the student accountability information system
- 28 as prescribed in section 15-1041.
- 29 (r) The right to access the failing schools tutoring fund pursuant
- 30 to section 15-241.
- 31 B. The policy adopted by the governing board **OR GOVERNING BODY**
- 32 pursuant to this section may also include the following components:
- 33 1. A plan by which parents will be made aware of the **SCHOOL**
- 34 district's **OR CHARTER SCHOOL'S** parental involvement policy and this
- 35 section, including:
- 36 (a) Rights under the family educational rights and privacy act of
- 37 1974 (20 United States Code section 1232g) relating to access to
- 38 children's official records.
- 39 (b) The parent's right to inspect the school district **OR CHARTER**
- 40 **SCHOOL** policies and curriculum.
- 41 2. Efforts to encourage the development of parenting skills.

1 3. Communicating to parents techniques that are designed to assist
2 the child's learning experience in the home.

3 4. Efforts to encourage access to community and support services
4 for children and families.

5 5. Promoting communication between the school and parents
6 concerning school programs and the academic progress of the parents'
7 children.

8 6. Identifying opportunities for parents to participate in and
9 support classroom instruction at the school.

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

12 8. Recognizing the diversity of parents and developing guidelines
13 that promote widespread parental participation and involvement in the
14 school at various levels.

15 9. Developing preparation programs and specialized courses for
16 certificated employees and administrators that promote parental
17 involvement.

18 10. Developing strategies and programmatic structures at ~~schools~~ **THE**
19 **SCHOOL DISTRICT OR THE CHARTER SCHOOL** to encourage and enable parents to
20 participate actively in their children's education.

21 C. The governing board **OR GOVERNING BODY** may adopt a policy to
22 provide to parents the information required by this section in an
23 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 **OR THE CHIEF ADMINISTRATOR OF THE**
28 **CHARTER SCHOOL AT THE CHARTER SCHOOL**. Within ten days after receiving the
29 request for information, the school principal, ~~or~~ the superintendent of
30 the school district **OR THE CHIEF ADMINISTRATOR OF THE CHARTER SCHOOL** shall
31 either deliver the requested information to the parent or submit to the
32 parent a written explanation of the reasons for denying the requested
33 information. If the request for information is denied or the parent does
34 not receive the requested information within fifteen days after submitting
35 the request for information, the parent may ~~submit a written~~ request ~~for~~
36 the information ~~to~~ **IN WRITING FROM** the school district governing board **OR**
37 **CHARTER SCHOOL GOVERNING BODY**, which shall formally consider the request
38 at the next scheduled public meeting of the governing board **OR GOVERNING**
39 **BODY** if the request can be properly noticed on the agenda. If the request
40 cannot be properly noticed on the agenda, the governing board **OR GOVERNING**
41 **BODY** shall formally consider the request at the next subsequent public
42 meeting of the governing board **OR GOVERNING BODY**.

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

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

5 15-113. Rights of parents; public educational institutions;
6 definitions

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

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

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

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

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

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

32 E. For the purposes of this section:

33 1. "Objects to any learning material or activity on the basis that
34 the material or activity is harmful" means objecting to the material or
35 activity because of sexual content, violent content or profane or vulgar
36 language.

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

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

39 (b) A charter school.

40 (c) An accommodation school.

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

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

3 15-711. Sex education instruction; minimum grade; parental
4 review of curricula; sexual conduct with a minor;
5 review and approval of course of study; public
6 hearings and input; requirements; rules;
7 definitions

8 A. ALL school districts and charter schools ~~may not~~ SHALL provide
9 sex education instruction ~~before grade five~~ THAT IS MEDICALLY ACCURATE AND
10 AGE-APPROPRIATE FOR STUDENTS WHO ARE IN KINDERGARTEN PROGRAMS AND GRADES
11 ONE THROUGH TWELVE.

12 B. ~~Before a parent provides written permission for the parent's~~
13 ~~child to participate in any sex education curricula,~~ The school district
14 or charter school shall make the sex education curricula available for the
15 parent's review online and in person pursuant to section 15-102,
16 subsection A, paragraph 2. The school district or charter school shall
17 notify parents where the sex education curricula are available for review
18 at least two weeks before any instruction is offered pursuant to this
19 section.

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

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

27 E. Before a school district or charter school offers sex education
28 instruction, the school district governing board or charter school
29 governing body shall review and approve the sex education course of study
30 that is developed, adopted, revised or updated pursuant to this section.
31 The governing board or governing body:

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

35 2. May not approve a course of study unless it complies with this
36 section.

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

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

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

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

9 G. ~~A school district or charter school is not required to provide~~
10 ~~sex education instruction to pupils.~~ If a school district or charter
11 school decides to provide sex education instruction after school hours,
12 this section and section 15-102 apply.

13 H. This section does not prohibit ~~age~~ AGE-APPROPRIATE and ~~grade~~
14 ~~appropriate~~ GRADE-APPROPRIATE classroom instruction regarding child
15 assault awareness and abuse prevention.

16 I. SEX EDUCATION INSTRUCTION SHALL:

17 1. HELP STUDENTS GAIN KNOWLEDGE ABOUT THE PHYSICAL, SOCIAL AND
18 EMOTIONAL CHANGES OF ADOLESCENCE AND SUBSEQUENT STAGES OF HUMAN
19 MATURATION, INCLUDING HOW PREGNANCY OCCURS.

20 2. HELP STUDENTS DEVELOP SKILLS IN CRITICAL THINKING, PROBLEM
21 SOLVING, DECISION-MAKING AND STRESS MANAGEMENT IN ORDER TO MAKE HEALTHY
22 DECISIONS ABOUT SEXUALITY AND RELATIONSHIPS.

23 3. ENCOURAGE STUDENTS TO COMMUNICATE WITH THEIR PARENTS AND
24 GUARDIANS, HEALTH CARE AND SOCIAL SERVICE PROFESSIONALS AND OTHER TRUSTED
25 ADULTS ABOUT SEXUALITY AND INTIMATE RELATIONS.

26 4. DISCUSS THE PERCEPTION STUDENTS HAVE OF THEIR BODIES, EMOTIONS
27 AND BEHAVIORS.

28 5. DESCRIBE PERSONAL BOUNDARIES, CONSENT AND THE RIGHT TO PRIVACY,
29 INCLUDING IDENTIFYING RESOURCES WHERE VICTIMS OF SEXUAL ABUSE CAN FIND
30 HELP AND SUPPORT.

31 6. DISCUSS POPULATIONS THAT HISTORICALLY HAVE BEEN MORE VULNERABLE
32 TO SEXUAL ABUSE AND ASSAULT, SUCH AS THE LESBIAN, GAY, BISEXUAL,
33 TRANSGENDER AND QUESTIONING COMMUNITY AND THE DISABILITY COMMUNITY, AND
34 PROVIDE TOOLS FOR STUDENTS TO USE TO SUPPORT AND BE ALLIES FOR ONE
35 ANOTHER.

36 7. WHEN DISCUSSING CONSENT, DESCRIBE THE CONCEPT OF CAPACITY TO
37 CONSENT AND HOW THAT CAPACITY IS IMPACTED BY FACTORS SUCH AS AGE AND
38 DISABILITY.

39 8. HELP STUDENTS DEVELOP RELATIONSHIP AND COMMUNICATION SKILLS TO
40 FORM HEALTHY AND POSITIVE RELATIONSHIPS WITH AN EMPHASIS ON AFFIRMATIVE
41 CONSENT.

42 J. SEX EDUCATION INSTRUCTION FOR STUDENTS IN GRADES SIX THROUGH
43 TWELVE SHALL STRESS THE IMPORTANCE OF USING EFFECTIVE METHODS OF
44 CONTRACEPTION, INCLUDING HORMONAL CONTRACEPTIVES, ABSTINENCE AND BARRIER
45 METHODS TO PREVENT UNINTENDED PREGNANCY AND TO PROTECT AGAINST SEXUALLY

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

3 K. SEX EDUCATION INSTRUCTION MAY NOT DISCRIMINATE ON THE BASIS OF
4 SEX, RACE, ETHNICITY, NATIONAL ORIGIN, DISABILITY, RELIGION, SEXUAL
5 ORIENTATION, GENDER EXPRESSION OR GENDER IDENTITY.

6 L. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL PROVIDE SEX EDUCATION
7 INSTRUCTION TO ALL STUDENTS, REGARDLESS OF SEX, RACE, ETHNICITY, NATIONAL
8 ORIGIN, DISABILITY, RELIGION, SEXUAL ORIENTATION, GENDER EXPRESSION OR
9 GENDER IDENTITY. A STUDENT WHO IS IDENTIFIED AS A STUDENT WITH A
10 DISABILITY AND WHO RECEIVES SPECIAL EDUCATION OR RELATED SERVICES IN
11 ACCORDANCE WITH THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (P.L.
12 91-230; 84 STAT. 175 TO 188) OR SECTION 504 OF THE REHABILITATION ACT OF
13 1973 (P.L. 93-112; 87 STAT. 355) MAY PARTICIPATE IN THE SAME SEX EDUCATION
14 INSTRUCTION AS THE STUDENT'S PEERS WHO DO NOT HAVE DISABILITIES, WITH ANY
15 ACCOMMODATIONS OR MODIFICATIONS AS IDENTIFIED IN THE STUDENT'S
16 INDIVIDUALIZED EDUCATION PROGRAM OR SECTION 504 PLAN AS DEFINED IN
17 SECTION 15-731 AND ANY ACCOMMODATIONS OR MODIFICATIONS THAT ARE NECESSARY
18 TO MAKE THE SEX EDUCATION INSTRUCTION APPROPRIATE FOR THE STUDENT'S
19 DEVELOPMENTAL AND COGNITIVE LEVELS.

20 M. A STUDENT MAY BE EXCUSED FROM ANY PART OF THE INSTRUCTION
21 PROVIDED IN ACCORDANCE WITH THIS SECTION ONLY AT THE WRITTEN REQUEST OF
22 THE STUDENT'S PARENT OR GUARDIAN.

23 N. A STUDENT IS NOT SUBJECT TO DISCIPLINARY ACTION, AN ACADEMIC
24 PENALTY OR ANY OTHER SANCTION IF THE STUDENT'S PARENT OR GUARDIAN REQUESTS
25 THAT THE STUDENT NOT RECEIVE THE INSTRUCTION PROVIDED UNDER THIS SECTION.

26 O. EACH SCHOOL DISTRICT GOVERNING BOARD AND CHARTER SCHOOL
27 GOVERNING BODY SHALL BOTH:

28 1. DEVELOP AND MAINTAIN A CURRENT LIST OF SEX EDUCATION INSTRUCTION
29 MATERIALS THAT ARE CONSISTENT WITH THIS SECTION AND MAKE THIS LIST
30 AVAILABLE TO THE PUBLIC.

31 2. DEVELOP GUIDANCE FOR INSTRUCTORS ON ANSWERING STUDENT QUESTIONS
32 IN A MEDICALLY ACCURATE AND EVIDENCE-BASED MANNER.

33 P. THE STATE BOARD OF EDUCATION SHALL DESIGNATE MINIMUM EDUCATION
34 AND TRAINING QUALIFICATIONS FOR SEX EDUCATION INSTRUCTORS.

35 Q. THE STATE BOARD OF EDUCATION MAY ADOPT RULES PURSUANT TO TITLE
36 41, CHAPTER 6 THAT PRESCRIBE PROCEDURES TO ENFORCE THIS SECTION, INCLUDING
37 PROCEDURES TO INITIATE A COMPLAINT FOR A VIOLATION OF THIS SECTION AND TO
38 APPEAL A FINAL DETERMINATION BY THE STATE BOARD.

39 R. FOR THE PURPOSES OF THIS SECTION:

40 1. "AGE-APPROPRIATE" MEANS THAT TOPICS, MESSAGES AND TEACHING
41 METHODS ARE SUITABLE TO PARTICULAR AGE AND DEVELOPMENTAL LEVELS BASED ON
42 THE COGNITIVE, EMOTIONAL AND SOCIAL LEVELS OF MOST STUDENTS AT THAT AGE
43 LEVEL.

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

6 Sec. 4. Short title

7 This act may be cited as the "Safe and Healthy Students Act".