

REFERENCE TITLE: sex education programs; requirements

State of Arizona
House of Representatives
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2015

HB 2476

Introduced by
Representatives Mendez, Andrade, Cardenas, Clark, Gabaldón, Mach,
Sherwood, Steele, Velasquez: Bolding, Espinoza, Fernandez, Friese,
Gonzales, Saldate

AN ACT

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

(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 involvement
7 of parents and guardians of children enrolled in the schools within the
8 school district, including:
9 1. A plan for parent participation in the schools ~~which~~ THAT is
10 designed to improve parent and teacher cooperation in such areas as homework,
11 attendance and discipline.
12 2. Procedures by which parents may learn about the course of study for
13 their children and review learning materials, including the source of any
14 supplemental educational materials.
15 3. Procedures by which parents who object to any learning material or
16 activity on the basis that it is harmful may withdraw their children from the
17 activity or from the class or program in which the material is used.
18 Objection to a learning material or activity on the basis that it is harmful
19 includes objection to a material or activity because it questions beliefs or
20 practices in sex, morality or religion.
21 4. ~~If a school district offers any sex education curricula pursuant to~~
22 ~~section 15-711 or 15-716 or pursuant to any rules adopted by the state board~~
23 ~~of education,~~ Procedures to ~~prohibit~~ ALLOW a school district ~~from providing~~
24 TO PROVIDE sex education instruction to a pupil unless the pupil's parent
25 provides written permission for the child to NOT participate in the sex
26 education curricula.
27 5. Procedures by which parents will be notified in advance of and
28 given the opportunity to withdraw their children from any instruction or
29 presentations regarding sexuality in courses other than formal sex education
30 curricula.
31 6. Procedures by which parents may learn about the nature and purpose
32 of clubs and activities that are part of the school curriculum,
33 extracurricular clubs and activities that have been approved by the school.
34 7. Procedures by which parents may learn about parental rights and
35 responsibilities under the laws of this state, including the following:
36 (a) The right to opt ~~in to~~ OUT OF a sex education curriculum ~~if one is~~
37 ~~provided by the school district~~ AS PROVIDED IN SECTION 15-711.
38 (b) Open enrollment rights pursuant to section 15-816.01.
39 (c) The right to opt out of assignments pursuant to this section.
40 (d) The right to opt out of immunizations pursuant to section 15-873.
41 (e) The promotion requirements prescribed in section 15-701.
42 (f) The minimum course of study and competency requirements for
43 graduation from high school prescribed in section 15-701.01.
44 (g) The right to opt out of instruction on the acquired immune
45 deficiency syndrome pursuant to section 15-716.

- 1 (h) The right to review test results pursuant to section 15-743.
2 (i) The right to participate in gifted programs pursuant to section
3 15-779.01.
4 (j) The right to access instructional materials pursuant to section
5 15-730.
6 (k) The right to receive a school report card pursuant to section
7 15-746.
8 (l) The attendance requirements prescribed in sections 15-802, 15-803
9 and 15-821.
10 (m) The right to public review of courses of study and textbooks
11 pursuant to section 15-721.
12 (n) The right to be excused from school attendance for religious
13 purposes pursuant to section 15-806.
14 (o) Policies related to parental involvement pursuant to this section.
15 (p) The right to seek membership on school councils pursuant to
16 section 15-351.
17 (q) The right to participate in a parental satisfaction survey
18 pursuant to section 15-353.
19 (r) Information about the student accountability information system as
20 prescribed in section ~~15-1042~~ 15-1041.
21 (s) The right to access the failing schools tutoring fund pursuant to
22 section 15-241.
23 B. The policy adopted by the governing board pursuant to this section
24 may also include the following components:
25 1. A plan by which parents will be made aware of the district's
26 parental involvement policy and this section, including:
27 (a) Rights under the family educational rights and privacy act of 1974
28 (20 United States Code section 1232g) relating to access to children's
29 official records.
30 (b) The parent's right to inspect the school district policies and
31 curriculum.
32 2. Efforts to encourage the development of parenting skills.
33 3. The communication to parents of techniques designed to assist the
34 child's learning experience in the home.
35 4. Efforts to encourage access to community and support services for
36 children and families.
37 5. The promotion of communication between the school and parents
38 concerning school programs and the academic progress of the parents'
39 children.
40 6. Identifying opportunities for parents to participate in and support
41 classroom instruction at the school.
42 7. Efforts to support, with appropriate training, parents as shared
43 decision-makers and to encourage membership on school councils.

1 8. The recognition of the diversity of parents and the development of
2 guidelines that promote widespread parental participation and involvement in
3 the school at various levels.

4 9. The development of preparation programs and specialized courses for
5 certificated employees and administrators that promote parental involvement.

6 10. The development of strategies and programmatic structures at
7 schools to encourage and enable parents to participate actively in their
8 children's education.

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

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

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

29 Sec. 2. Section 15-711, Arizona Revised Statutes, is amended to read:
30 15-711. Sex education curricula; sexual conduct with a minor;
31 definitions

32 A. All school districts ~~with existing sex education curricula~~ shall:

33 1. PROVIDE SEX EDUCATION IN KINDERGARTEN PROGRAMS AND GRADES ONE
34 THROUGH TWELVE THAT IS MEDICALLY ACCURATE, DEVELOPMENTALLY ACCURATE AND
35 AGE-APPROPRIATE.

36 2. Include instruction on the laws relating to sexual conduct with a
37 minor for pupils in grades seven, eight, nine, ten, eleven and twelve. Each
38 school district may develop its own course of study to meet the requirements
39 of this ~~section~~ PARAGRAPH.

40 B. SEX EDUCATION INSTRUCTION SHALL:

41 1. PROVIDE AGE-APPROPRIATE AND MEDICALLY ACCURATE INFORMATION ABOUT
42 HUMAN SEXUALITY AS A NORMAL AND HEALTHY ASPECT OF HUMAN DEVELOPMENT.

43 2. TEACH THE BENEFITS OF DELAYING SEXUAL ACTIVITY AND STRESS THE
44 IMPORTANCE OF EFFECTIVELY USING CONTRACEPTIVES AND BARRIER METHODS TO PREVENT
45 UNINTENDED PREGNANCY AND TO PROTECT AGAINST SEXUALLY TRANSMITTED INFECTIONS,

1 INCLUDING THE HUMAN IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNODEFICIENCY
2 SYNDROME.

3 3. HELP STUDENTS DEVELOP THE RELATIONSHIP AND COMMUNICATION SKILLS TO
4 FORM HEALTHY RELATIONSHIPS THROUGHOUT THEIR LIVES THAT ARE BASED ON MUTUAL
5 RESPECT AND AFFECTION AND FREE FROM VIOLENCE, COERCION AND INTIMIDATION.

6 4. HELP YOUNG PEOPLE GAIN KNOWLEDGE ABOUT THE PHYSICAL, SOCIAL AND
7 EMOTIONAL CHANGES OF ADOLESCENCE AND SUBSEQUENT STAGES OF HUMAN MATURATION,
8 INCLUDING HOW PREGNANCY OCCURS.

9 5. HELP STUDENTS DEVELOP SKILLS IN CRITICAL THINKING, PROBLEM SOLVING,
10 DECISION MAKING AND STRESS MANAGEMENT IN ORDER TO MAKE HEALTHY DECISIONS
11 ABOUT SEXUALITY AND RELATIONSHIPS.

12 6. ENCOURAGE YOUTH TO COMMUNICATE WITH THEIR PARENTS AND GUARDIANS,
13 HEALTH CARE AND SOCIAL SERVICE PROFESSIONALS AND OTHER TRUSTED ADULTS ABOUT
14 SEXUALITY AND INTIMATE RELATIONS.

15 C. A TEACHER WHO PROVIDES SEX EDUCATION INSTRUCTION, AT THE TEACHER'S
16 DISCRETION, MAY ANSWER IN GOOD FAITH ANY QUESTION INITIATED BY A STUDENT OR
17 STUDENTS THAT IS REASONABLY RELATED TO AND CONSISTENT WITH THE MATERIAL OF
18 THE COURSE.

19 D. THE DEPARTMENT OF EDUCATION MAY ELIMINATE OR MODIFY COMPONENTS OF
20 SEX EDUCATION IN ELEMENTARY SCHOOL FOR REASONS OF AGE-APPROPRIATENESS.

21 E. SEX EDUCATION INSTRUCTION MAY NOT DISCRIMINATE ON THE BASIS OF SEX,
22 RACE, ETHNICITY, NATIONAL ORIGIN, DISABILITY, RELIGION, SEXUAL ORIENTATION OR
23 GENDER IDENTITY.

24 F. SCHOOL DISTRICTS SHALL MAKE SEX EDUCATION CURRICULUM AVAILABLE FOR
25 VIEWING AS PROVIDED IN SECTION 15-102.

26 G. A STUDENT MAY BE EXCUSED FROM ANY PART OF THE INSTRUCTION PROVIDED
27 IN ACCORDANCE WITH THIS SECTION ONLY AT THE WRITTEN REQUEST OF A PARENT OR
28 GUARDIAN.

29 H. A STUDENT MAY NOT BE SUBJECT TO DISCIPLINARY ACTION, AN ACADEMIC
30 PENALTY OR ANOTHER SANCTION IF THE STUDENT'S PARENT OR GUARDIAN REQUESTS THAT
31 THE STUDENT NOT RECEIVE THE INSTRUCTION PROVIDED UNDER THIS SECTION.

32 I. THE DEPARTMENT OF EDUCATION SHALL DO ALL OF THE FOLLOWING:

33 1. ADOPT RULES TO IMPLEMENT, ADMINISTER AND ENSURE COMPLIANCE WITH
34 THIS SECTION.

35 2. DEVELOP AND MAINTAIN A CURRENT LIST OF SEXUAL HEALTH EDUCATION
36 CURRICULA THAT ARE CONSISTENT WITH THIS SECTION AND MAKE THIS LIST AVAILABLE
37 TO THE PUBLIC.

38 3. DESIGNATE MINIMUM EDUCATION AND TRAINING QUALIFICATIONS FOR SEX
39 EDUCATION INSTRUCTORS.

40 4. DIRECT EACH SCHOOL DISTRICT TO IDENTIFY ANY CURRICULA USED TO
41 PROVIDE SEX EDUCATION AND REPORT THIS INFORMATION EVERY TWO YEARS TO THE
42 PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF
43 THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER OF THE HOUSE OF
44 REPRESENTATIVES.

1 J. THE DEPARTMENT OF EDUCATION MAY ADOPT RULES PURSUANT TO TITLE 41,
2 CHAPTER 6 THAT PRESCRIBE PROCEDURES TO ENFORCE THIS SECTION, INCLUDING
3 PROCEDURES TO INITIATE A COMPLAINT FOR A VIOLATION OF THIS SECTION AND TO
4 APPEAL A FINAL DETERMINATION BY THE DEPARTMENT OF EDUCATION.

5 K. NOTWITHSTANDING SUBSECTION J OF THIS SECTION, ANY PARENT OR
6 GUARDIAN WITH A CHILD ENROLLED IN A SCHOOL DISTRICT, OR ANY STUDENT HAVING
7 LEGAL CAPACITY ENROLLED IN A SCHOOL DISTRICT, WHO BELIEVES THAT THE SCHOOL
8 DISTRICT IS NOT COMPLYING WITH THE REQUIREMENTS OF THIS SECTION MAY FILE AN
9 ACTION IN SUPERIOR COURT TO ENFORCE THIS SECTION.

10 L. FOR THE PURPOSES OF THIS SECTION:

11 1. "AGE-APPROPRIATE" MEANS TOPICS, MESSAGES AND TEACHING METHODS THAT
12 ARE SUITABLE TO PARTICULAR AGE AND DEVELOPMENTAL LEVELS, BASED ON THE
13 COGNITIVE, EMOTIONAL, SOCIAL AND EXPERIENCE LEVEL OF MOST STUDENTS AT THAT
14 AGE LEVEL.

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

20 Sec. 3. Legislative findings and intent

21 A. The legislature finds and declares that:

22 1. Students in Arizona often lack the education they need to prevent
23 unintended pregnancy and sexually transmitted infections.

24 2. About half of high school students nationwide have had sexual
25 intercourse.

26 3. It is estimated that four out of every ten new human
27 immunodeficiency virus infections occur in a youth under the age of thirty,
28 imposing a tremendous economic burden.

29 4. Research shows that education programs that emphasize the
30 importance of delaying teen sexual activity and that teach teens proper
31 condom and contraceptive use:

32 (a) Delay the initiation of sex.

33 (b) Reduce the frequency of sex, the number of partners and the
34 incidence of unprotected sex.

35 (c) Increase the use of condoms and contraception.

36 5. Long-term impacts in some programs have included rates of sexually
37 transmitted infections or pregnancy, or both.

38 6. The most effective sex education is linked to programs ensuring
39 access to health care in general and reproductive health services in
40 particular. Recent research attributes most of the decline in teenage
41 pregnancy rates to increased use of contraceptives by teens rather than to
42 declines in sexual activity.

43 7. Parents and leading health and education organizations support
44 comprehensive sex education. The American medical association, the American
45 nurses association, the American academy of pediatrics, the American college

1 of obstetricians and gynecologists, the American public health association,
2 the institute of medicine, the society of adolescent medicine, the American
3 federation of teachers, the national education association and the national
4 school boards association support sex education that includes information
5 about both delaying sexual activity and effective contraception use.

6 8. Sex education programs that are paired with broader, more
7 comprehensive instruction can help prepare young people to reach intellectual
8 and emotional maturity. Research shows that programs that discourage risky
9 sexual behavior, encourage teens to postpone sexual activity and prepare
10 teens to use contraceptives to prevent unintended pregnancies and sexually
11 transmitted infections, including the human immunodeficiency virus, are more
12 successful when they are presented as part of programs designed to give teens
13 the skills and experiences they need to succeed in school and lead healthy
14 and fulfilling lives.

15 9. Sex education complements and enhances human immunodeficiency virus
16 and acquired immunodeficiency syndrome education programs. Research shows
17 that sex education programs that incorporate information on the prevention of
18 sexually transmitted diseases and the human immunodeficiency virus can help
19 reduce sexual risk-taking.

20 10. Studies show that discussion between young people and their parents
21 or guardians helps young people make responsible and healthy life decisions.

22 B. The legislature intends that sex education should promote healthy
23 attitudes concerning adolescent growth and development, body image, gender
24 identity, gender expression, sexuality, sexual orientation, dating,
25 relationships and family and should positively affect adolescent behavior.
26 Sex education should provide teens with the information, skills, and support
27 they need to develop positive values and make healthy decisions and to
28 respect the important role sexuality plays throughout a person's life.

29 Sec. 4. Short title

30 This act may be cited as "The Healthy Youth Act".