

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

State of Arizona  
Senate  
Fifty-fourth Legislature  
First Regular Session  
2019

## **SB 1252**

Introduced by  
Senators Steele: Bradley, Contreras, Otondo, Peshlakai; Representatives  
Cano, Chávez, Engel, Gabaldón, Hernandez A, Powers Hannley, Rodriguez,  
Sierra, Teller, Tsosie

**AN ACT**

**AMENDING SECTIONS 15-102 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 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~~ ADMINISTERING 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 it is harmful may withdraw their children  
18 from the activity or from the class or program in which the material is  
19 used. Objection to a learning material or activity on the basis that it is  
20 harmful includes objection to a material or activity because it questions  
21 beliefs or practices in sex, morality or religion.

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

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

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

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

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

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

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

42 (d) The right to opt out of immunizations pursuant to section  
43 15-873.

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

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

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

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

5           8. ~~The recognition of~~ RECOGNIZING the diversity of parents and ~~the~~  
6 ~~development of~~ DEVELOPING guidelines that promote widespread parental  
7 participation and involvement in the school at various levels.

8           9. ~~The development of~~ DEVELOPING preparation programs and  
9 specialized courses for certificated employees and administrators that  
10 promote parental involvement.

11           10. ~~The development of~~ DEVELOPING strategies and programmatic  
12 structures at schools to encourage and enable parents to participate  
13 actively in their children's education.

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

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

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

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

37           15-711. Sex education curricula; requirements; rules;  
38 definitions

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

41           1. PROVIDE SEX EDUCATION INSTRUCTION FOR PUPILS WHO ARE IN  
42 KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH TWELVE THAT IS MEDICALLY  
43 ACCURATE AND AGE-APPROPRIATE.

1           2. HELP PUPILS DEVELOP THE RELATIONSHIP AND COMMUNICATION SKILLS TO  
2 FORM HEALTHY RELATIONSHIPS WITH AN EMPHASIS ON CONSENT AS INFORMED AND  
3 FREELY GIVEN WORDS OR ACTIONS THAT INDICATE A WILLINGNESS TO PARTICIPATE  
4 IN MUTUALLY AGREED ON SEXUAL ACTIVITY.

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

9           B. SEX EDUCATION INSTRUCTION SHALL:

10           1. STRESS THE IMPORTANCE OF EFFECTIVELY USING CONTRACEPTIVES AND  
11 BARRIER METHODS TO PREVENT UNINTENDED PREGNANCY AND TO PROTECT AGAINST  
12 SEXUALLY TRANSMITTED INFECTIONS, INCLUDING THE HUMAN IMMUNODEFICIENCY  
13 VIRUS AND ACQUIRED IMMUNODEFICIENCY SYNDROME.

14           2. HELP PUPILS GAIN KNOWLEDGE ABOUT THE PHYSICAL, SOCIAL AND  
15 EMOTIONAL CHANGES OF ADOLESCENCE AND SUBSEQUENT STAGES OF HUMAN  
16 MATURATION, INCLUDING HOW PREGNANCY OCCURS.

17           3. HELP PUPILS DEVELOP SKILLS IN CRITICAL THINKING, PROBLEM  
18 SOLVING, DECISION-MAKING AND STRESS MANAGEMENT IN ORDER TO MAKE HEALTHY  
19 DECISIONS ABOUT SEXUALITY AND RELATIONSHIPS.

20           4. ENCOURAGE PUPILS TO COMMUNICATE WITH THEIR PARENTS AND  
21 GUARDIANS, HEALTH CARE AND SOCIAL SERVICE PROFESSIONALS AND OTHER TRUSTED  
22 ADULTS ABOUT SEXUALITY AND INTIMATE RELATIONS.

23           C. THE DEPARTMENT OF EDUCATION MAY ELIMINATE OR MODIFY COMPONENTS OF  
24 SEX EDUCATION IN ELEMENTARY SCHOOL FOR REASONS OF AGE-APPROPRIATENESS.

25           D. SEX EDUCATION INSTRUCTION MAY NOT DISCRIMINATE ON THE BASIS OF  
26 SEX, RACE, ETHNICITY, NATIONAL ORIGIN, DISABILITY, RELIGION, SEXUAL  
27 ORIENTATION OR GENDER IDENTITY.

28           E. SCHOOL DISTRICTS SHALL MAKE SEX EDUCATION CURRICULA AVAILABLE  
29 FOR PARENTAL REVIEW AS PROVIDED IN SECTION 15-102.

30           F. A PUPIL MAY BE EXCUSED FROM ANY PART OF THE INSTRUCTION PROVIDED  
31 IN ACCORDANCE WITH THIS SECTION ONLY AT THE WRITTEN REQUEST OF THE PUPIL'S  
32 PARENT OR GUARDIAN.

33           G. A PUPIL IS NOT SUBJECT TO DISCIPLINARY ACTION, AN ACADEMIC  
34 PENALTY OR ANOTHER SANCTION IF THE PUPIL'S PARENT OR GUARDIAN REQUESTS  
35 THAT THE PUPIL NOT RECEIVE THE INSTRUCTION PROVIDED UNDER THIS SECTION.

36           H. THE DEPARTMENT OF EDUCATION SHALL DO ALL OF THE FOLLOWING:

37           1. ADOPT RULES TO IMPLEMENT, ADMINISTER AND ENSURE COMPLIANCE WITH  
38 THIS SECTION.

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

42           3. DESIGNATE MINIMUM EDUCATION AND TRAINING QUALIFICATIONS FOR SEX  
43 EDUCATION INSTRUCTORS.

1 I. THE DEPARTMENT OF EDUCATION MAY ADOPT RULES PURSUANT TO TITLE  
2 41, 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.

5 J. NOTWITHSTANDING SUBSECTION I OF THIS SECTION, ANY PARENT OR  
6 GUARDIAN WITH A CHILD ENROLLED IN A SCHOOL DISTRICT, OR ANY PUPIL 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  
9 AN ACTION IN SUPERIOR COURT TO ENFORCE THIS SECTION.

10 K. FOR THE PURPOSES OF THIS SECTION:

11 1. "AGE-APPROPRIATE" MEANS TOPICS, MESSAGES AND TEACHING METHODS  
12 THAT ARE SUITABLE TO PARTICULAR AGE AND DEVELOPMENTAL LEVELS BASED ON THE  
13 COGNITIVE, EMOTIONAL, SOCIAL AND EXPERIENCE LEVELS OF MOST PUPILS 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  
19 AND, IF RELEVANT, THAT IS PUBLISHED IN PEER-REVIEWED SCIENTIFIC JOURNALS.