REFERENCE TITLE: schools; sex education instruction.

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HB 2277

Introduced by
Representatives Hernandez D: Cano, Chávez, Fernandez, Hernandez A,
Longdon, Powers Hannley, Rodriguez

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-102, Arizona Revised Statutes, is amended to read:

15-102. Parental involvement in the school; definition
A. The EACH SCHOOL DISTRICT governing board AND CHARTER SCHOOL GOVERNING BODY, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district OR THE CHARTER SCHOOL, including:
   1. A plan for parent participation in the schools OR CHARTER SCHOOL that is designed to improve parent and teacher cooperation in such areas as homework, attendance and discipline. The plan shall provide for the administration of a parent-teacher satisfaction survey.
   2. Procedures by which parents may learn about the course of study for their children and review learning materials, including the source of any supplemental educational materials.
   3. Procedures by which parents who object to any learning material or activity on the basis that it is harmful may withdraw their children from the activity or from the class or program in which the material is used. Objection to a learning material or activity on the basis that it is harmful includes objection to a material or activity because it questions beliefs or practices in sex, morality or religion.
   4. If a school district offers any sex education curricula pursuant to section 15-711 or 15-716 or pursuant to any rules adopted by the state board of education, Procedures to prohibit the school district from providing sex education instruction to a pupil unless the pupil’s parent provides written permission for the child to participate in the sex education curricula.
   5. Procedures by which parents will be notified in advance of and given the opportunity to withdraw their children from any instruction or presentations regarding sexuality in courses other than formal sex education curricula.
   6. Procedures by which parents may learn about the nature and purpose of clubs and activities that are part of the school curriculum, extracurricular clubs and activities that have been approved by the school.
   7. Procedures by which parents may learn about parental rights and responsibilities under the laws of this state, including the following, AS APPLICABLE:
      (a) The right to opt in to a sex education curriculum if one is provided by the school district as provided in section 15-711.
      (b) Open enrollment rights pursuant to section 15-816.01.
      (c) The right to opt out of assignments pursuant to this section.
(d) The right to opt out of immunizations pursuant to section 15-873.
(e) The promotion requirements prescribed in section 15-701.
(f) The minimum course of study and competency requirements for graduation from high school prescribed in section 15-701.01.
(g) The right to opt out of instruction on the acquired immune deficiency syndrome pursuant to section 15-716.
(h) The right to review test results pursuant to section 15-743.
(i) The right to participate in gifted programs pursuant to section 15-779.01.
(j) The right to access instructional materials pursuant to section 15-730.
(k) The right to receive a school report card pursuant to section 15-746.
(m) The right to public review of courses of study and textbooks pursuant to sections 15-721 and 15-722.
(n) The right to be excused from school attendance for religious purposes pursuant to section 15-806.
(o) Policies related to parental involvement pursuant to this section.
(p) The right to seek membership on school councils pursuant to section 15-351.
(q) Information about the student accountability information system as prescribed in section 15-1041.
(r) The right to access the failing schools tutoring fund pursuant to section 15-241.

B. The policy adopted by the governing board OR GOVERNING BODY pursuant to this section may also include the following components:
1. A plan by which parents will be made aware of the SCHOOL district’s OR CHARTER SCHOOL’S parental involvement policy and this section, including:
   (a) Rights under the family educational rights and privacy act of 1974 (20 United States Code section 1232g) relating to access to children's official records.
   (b) The parent's right to inspect the school district OR CHARTER SCHOOL policies and curriculum.
2. Efforts to encourage the development of parenting skills.
3. The communication COMMUNICATING to parents of techniques THAT ARE designed to assist the child's learning experience in the home.
4. Efforts to encourage access to community and support services for children and families.
5. The promotion of communication between the school and parents concerning school programs and the academic progress of the parents' children.

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

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

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

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

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

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

D. A parent shall submit a written request for information pursuant to this section during regular business hours to either the school principal at the school site or the superintendent of the school district, or the chief administrator of the charter school. Within ten days after receiving the request for information, the school principal, or the superintendent of the school district, or the chief administrator of the charter school shall either deliver the requested information to the parent or submit to the parent a written explanation of the reasons for the denial of the requested information. If the request for information is denied or the parent does not receive the requested information within fifteen days after submitting the request for information, the parent may submit a written request for the information to the school district governing board, or the charter school governing body, which shall formally consider the request at the next scheduled public meeting of the governing board if the request can be properly noticed on the agenda. If the request cannot be properly noticed on the agenda, the governing board shall formally consider the request at the next subsequent public meeting of the governing board.

E. For the purposes of this section, "parent" means the natural or adoptive parent or legal guardian of a minor child.
Sec. 2. Section 15-711, Arizona Revised Statutes, is amended to read:

15-711. Sex education; instruction; requirements; rules; definitions

A. All school districts with existing sex education curricula AND CHARTER SCHOOLS shall:

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

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

B. SEX EDUCATION INSTRUCTION SHALL:

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

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

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

4. DISCUSS THE PERCEPTION PUPILS HAVE OF THEIR BODIES, EMOTIONS AND BEHAVIORS.

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

6. DISCUSS POPULATIONS THAT HISTORICALLY HAVE BEEN MORE VULNERABLE TO SEXUAL ABUSE AND ASSAULT, SUCH AS THE LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUESTIONING COMMUNITY AND THE DISABILITY COMMUNITY, AND PROVIDE TOOLS FOR PUPILS TO USE TO SUPPORT AND BE ALLIES FOR ONE ANOTHER. WHEN DISCUSSING CONSENT, SEX EDUCATION INSTRUCTION SHALL DESCRIBE THE CONCEPT OF CAPACITY TO CONSENT AND HOW THAT CAPACITY IS IMPACTED BY FACTORS SUCH AS AGE AND DISABILITY.

7. HELP PUPILS DEVELOP RELATIONSHIP AND COMMUNICATION SKILLS TO FORM HEALTHY AND POSITIVE RELATIONSHIPS WITH AN EMPHASIS ON AFFIRMATIVE CONSENT.

C. SEX EDUCATION INSTRUCTION FOR GRADES SIX THROUGH TWELVE SHALL STRESS THE IMPORTANCE OF USING EFFECTIVE METHODS OF CONTRACEPTION, INCLUDING HORMONAL CONTRACEPTIVES, ABSTINENCE AND BARRIER METHODS TO PREVENT UNINTENDED PREGNANCY AND TO PROTECT AGAINST SEXUALLY TRANSMITTED INFECTIONS, INCLUDING THE HUMAN IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNODEFICIENCY SYNDROME.
D. SEX EDUCATION INSTRUCTION MAY NOT DISCRIMINATE ON THE BASIS OF
SEX, RACE, ETHNICITY, NATIONAL ORIGIN, DISABILITY, RELIGION, SEXUAL
ORIENTATION, GENDER EXPRESSION OR GENDER IDENTITY.

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

F. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL MAKE SEX EDUCATION
INSTRUCTION MATERIALS AVAILABLE FOR PARENTAL REVIEW AS PROVIDED IN SECTION
15-102.

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

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

I. EACH SCHOOL DISTRICT GOVERNING BOARD AND CHARTER SCHOOL
GOVERNING BODY SHALL BOTH:
1. DEVELOP AND MAINTAIN A CURRENT LIST OF SEX EDUCATION INSTRUCTION
MATERIALS THAT ARE CONSISTENT WITH THIS SECTION AND MAKE THIS LIST
AVAILABLE TO THE PUBLIC.
2. DEVELOP GUIDANCE FOR INSTRUCTORS ON ANSWERING PUPIL QUESTIONS IN
A MEDICALLY ACCURATE AND EVIDENCE-BASED MANNER.

J. THE STATE BOARD OF EDUCATION SHALL DESIGNATE MINIMUM EDUCATION
AND TRAINING QUALIFICATIONS FOR SEX EDUCATION INSTRUCTORS.

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

L. FOR THE PURPOSES OF THIS SECTION:
1. "AGE-APPROPRIATE" MEANS THAT TOPICS, MESSAGES AND TEACHING
METHODS ARE SUITABLE TO PARTICULAR AGE AND DEVELOPMENTAL LEVELS BASED ON
THE COGNITIVE, EMOTIONAL AND SOCIAL LEVELS OF MOST PUPILS AT THAT AGE
LEVEL.
2. "MEDICALLY ACCURATE" MEANS THAT INFORMATION IS SUPPORTED BY PEER-REVIEWED RESEARCH CONDUCTED IN COMPLIANCE WITH ACCEPTED SCIENTIFIC METHODS, IS RECOGNIZED AS ACCURATE AND OBJECTIVE BY LEADING MEDICAL, PSYCHOLOGICAL, PSYCHIATRIC AND PUBLIC HEALTH ORGANIZATIONS AND AGENCIES AND, IF RELEVANT, IS PUBLISHED IN PEER-REVIEWED SCIENTIFIC JOURNALS.

Sec. 3. **Short title**

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