

REFERENCE TITLE: sex education; child abuse prevention

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

HB 2361

Introduced by
Representative Fillmore

AN ACT

AMENDING SECTIONS 15-102 AND 15-711, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-712.02; AMENDING SECTION 15-716, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; 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 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 ~~a~~ THE school district from
25 providing sex education instruction to a pupil unless the pupil's parent
26 provides written permission for the child to participate in the sex
27 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 a sex education curriculum if one is
39 provided by the school district.

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)~~ (g) The right to review test results pursuant to section
6 15-743.
- 7 ~~(i)~~ (h) The right to participate in gifted programs pursuant to
8 section 15-779.01.
- 9 ~~(j)~~ (i) The right to access instructional materials pursuant to
10 section 15-730.
- 11 ~~(k)~~ (j) The right to receive a school report card pursuant to
12 section 15-746.
- 13 ~~(l)~~ (k) The attendance requirements prescribed in sections 15-802,
14 15-803 and 15-821.
- 15 ~~(m)~~ (l) The right to public review of courses of study and
16 textbooks pursuant to sections 15-721 and 15-722.
- 17 ~~(n)~~ (m) The right to be excused from school attendance for
18 religious purposes pursuant to section 15-806.
- 19 ~~(o)~~ (n) Policies related to parental involvement pursuant to this
20 section.
- 21 ~~(p)~~ (o) The right to seek membership on school councils pursuant
22 to section 15-351.
- 23 ~~(q)~~ (p) Information about the student accountability information
24 system as prescribed in section 15-1041.
- 25 ~~(r)~~ (q) The right to access the failing schools tutoring fund
26 pursuant to section 15-241.
- 27 ~~8. The policy adopted by the governing board pursuant to this~~
28 ~~section may also include the following components:~~
- 29 ~~1.~~ 8. 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.~~ 9. Efforts to encourage the development of parenting skills.
- 37 ~~3.~~ 10. ~~The communication~~ COMMUNICATING to parents ~~of~~ techniques
38 THAT ARE designed to assist the child's learning experience in the home.
- 39 ~~4.~~ 11. Efforts to encourage access to community and support
40 services for children and families.
- 41 ~~5.~~ 12. ~~The promotion of~~ PROMOTING communication between the school
42 and parents concerning school programs and the academic progress of the
43 parents' children.
- 44 ~~6.~~ 13. Identifying opportunities for parents to participate in and
45 support classroom instruction at the school.

1 ~~7.~~ 14. Efforts to support, with appropriate training, parents as
2 shared decision-makers and to encourage membership on school councils.

3 ~~8.~~ 15. ~~The recognition of~~ RECOGNIZING the diversity of parents and
4 ~~the development of~~ DEVELOPING guidelines that promote widespread parental
5 participation and involvement in the school at various levels.

6 ~~9.~~ 16. ~~The development of~~ DEVELOPING preparation programs and
7 specialized courses for certificated employees and administrators that
8 promote parental involvement.

9 ~~10.~~ 17. ~~The development of~~ DEVELOPING strategies and programmatic
10 structures at schools to encourage and enable parents to participate
11 actively in their children's education.

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

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

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

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

35 15-711. Sex education curricula; sexual conduct with a minor;
36 minimum grade; instruction requirements

37 A. All school districts with existing sex education curricula shall
38 include instruction on the laws relating to sexual conduct with a minor
39 for pupils in grades seven, eight, nine, ten, eleven and twelve. Each
40 school district may develop its own course of study to meet the
41 requirements of this ~~section~~ SUBSECTION.

42 B. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT PROVIDE SEX
43 EDUCATION INSTRUCTION TO A PUPIL BEFORE THE SIXTH GRADE. A SCHOOL
44 DISTRICT OR CHARTER SCHOOL SHALL PROVIDE INSTRUCTION TO PUPILS IN

1 KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH FIVE AS PRESCRIBED IN SECTION
2 15-712.02.

3 C. IF A SCHOOL DISTRICT OR CHARTER SCHOOL OFFERS SEX EDUCATION
4 INSTRUCTION:

5 1. THE INSTRUCTION SHALL BOTH:

6 (a) BE MEDICALLY AND FACTUALLY ACCURATE.

7 (b) EMPHASIZE BIOLOGICAL SEX AND NOT GENDER IDENTITIES.

8 2. THE SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT PROVIDE THE
9 INSTRUCTION TO A PUPIL UNLESS THE PUPIL'S PARENT PROVIDES WRITTEN
10 PERMISSION FOR THE PUPIL TO PARTICIPATE IN THE INSTRUCTION. IF THE PARENT
11 DOES NOT PROVIDE WRITTEN PERMISSION, THE PUPIL SHALL BE EXCUSED FROM THE
12 INSTRUCTION.

13 3. ALL SEX EDUCATION MATERIALS AND INSTRUCTION SHALL PROMOTE HONOR
14 AND RESPECT FOR MONOGAMOUS MARRIAGE.

15 Sec. 3. Title 15, chapter 7, article 1, Arizona Revised Statutes,
16 is amended by adding section 15-712.02, to read:

17 15-712.02. Education and training on child abuse prevention;
18 students; school personnel; posting; opt-out

19 A. BEGINNING IN THE 2020-2021 SCHOOL YEAR, SCHOOL DISTRICTS AND
20 CHARTER SCHOOLS SHALL ESTABLISH EDUCATION AND TRAINING ON CHILD ABUSE
21 PREVENTION FOR BOTH SCHOOL PERSONNEL WHO ARE REQUIRED TO REPORT PURSUANT
22 TO SECTION 13-3620 AND FOR STUDENTS IN KINDERGARTEN PROGRAMS AND GRADES
23 ONE THROUGH FIVE. THIS EDUCATION AND TRAINING MUST BE DESIGNED TO PROMOTE
24 SELF-PROTECTION AND ACCOUNTABILITY AND TO PREVENT THE ABUSE OF CHILDREN,
25 INCLUDING SEXUAL ABUSE.

26 B. EACH SCHOOL DISTRICT AND CHARTER SCHOOL MAY CHOOSE THE DELIVERY
27 METHOD OF THE EDUCATION AND TRAINING PRESCRIBED IN THIS SECTION FOR
28 EMPLOYEES AND STUDENTS. THE INSTRUCTION MUST:

29 1. USE AN AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE,
30 RESEARCH-BASED CURRICULUM TO TEACH STUDENTS ABUSE-PREVENTION AND
31 RISK-REDUCTION STRATEGIES, INCLUDING:

32 (a) HOW TO IDENTIFY DANGEROUS SITUATIONS.

33 (b) HOW TO IDENTIFY PERSONAL BOUNDARY VIOLATIONS.

34 (c) HOW TO ENSURE THEIR SAFETY BY CHECKING WITH AN ADULT.

35 (d) HOW TO RESIST DANGEROUS APPROACHES AND INVITATIONS.

36 (e) HOW TO SUMMON HELP.

37 (f) WHAT TO DO IF ABUSE OCCURS.

38 2. ENCOURAGE PARENTAL INVOLVEMENT WITH THE ABUSE-PREVENTION
39 TRAINING, INCLUDING INFORMATION ON CHILD ABUSE PREVENTION, RISK-REDUCTION
40 STRATEGIES, ABUSE REPORTING AND SUPPORT SERVICE AVAILABILITY.

41 3. BE PROVIDED FOR STUDENTS AT LEAST ONCE EACH YEAR.

42 C. TO PROVIDE THE EDUCATION AND TRAINING REQUIRED BY THIS SECTION,
43 A SCHOOL DISTRICT OR CHARTER SCHOOL MAY DEVELOP ITS OWN TRAINING OR MAY
44 USE A CURRICULUM APPROVED BY THE STATE BOARD OF EDUCATION. THE DISTRICT
45 OR CHARTER SCHOOL MAY PAY FOR THE COST OF THE TRAINING AND CURRICULUM OR

1 MAY ENTER INTO AN AGREEMENT WITH A QUALIFYING COMMUNITY ORGANIZATION TO
2 PROVIDE THE TRAINING AT NO COST TO THE SCHOOL DISTRICT OR CHARTER SCHOOL.
3 THE STATE BOARD SHALL APPROVE AND MAINTAIN A LIST OF APPROVED CURRICULA
4 FOR THE STUDENT EDUCATION AND TRAINING REQUIRED BY THIS SECTION. IN ORDER
5 TO BE APPROVED, CURRICULA MUST BE AGE-APPROPRIATE, DEVELOPMENTALLY
6 APPROPRIATE AND RESEARCH-BASED AND MUST COVER, AT A MINIMUM, THE
7 INSTRUCTION AREAS LISTED IN SUBSECTION B OF THIS SECTION. THE STATE BOARD
8 SHALL INCLUDE AS MANY APPROVED CURRICULAR OPTIONS AS POSSIBLE THAT REQUIRE
9 NOT MORE THAN ONE HUNDRED EIGHTY MINUTES OF INSTRUCTIONAL CLASSROOM TIME
10 AND THAT INCLUDE AT LEAST ONE CURRICULAR OPTION THAT IS DELIVERED THROUGH
11 ONLINE INSTRUCTION.

12 D. EDUCATION AND TRAINING ON PREVENTION TECHNIQUES FOR AND
13 RECOGNITION OF CHILD ABUSE, INCLUDING SEXUAL ABUSE, AND PROCEDURES FOR A
14 CHILD WHO IS AT RISK FOR ABUSE TO SEEK ASSISTANCE SHALL BE PROVIDED FOR
15 ALL NEW SCHOOL DISTRICT AND CHARTER SCHOOL PERSONNEL WHO ARE REQUIRED TO
16 REPORT PURSUANT TO SECTION 13-3620 AS PART OF THE NEW EMPLOYEE'S
17 ORIENTATION AND FOR EXISTING EMPLOYEES ON A SCHEDULE ADOPTED BY THE SCHOOL
18 DISTRICT OR CHARTER SCHOOL. AT A MINIMUM, THIS EDUCATION AND TRAINING
19 MUST INCLUDE INFORMATION REGARDING ALL OF THE FOLLOWING:

- 20 1. FACTORS INDICATING THAT A CHILD IS AT RISK FOR ABUSE.
- 21 2. LIKELY WARNING SIGNS INDICATING THAT A CHILD MAY BE A VICTIM OF
22 ABUSE.
- 23 3. INTERNAL PROCEDURES FOR A CHILD WHO IS AT RISK FOR ABUSE TO SEEK
24 ASSISTANCE.
- 25 4. METHODS FOR REDUCING A CHILD'S RISK OF BEING A VICTIM OF ABUSE.

26 E. SCHOOL PERSONNEL WHO RECEIVE TRAINING REGARDING THE DUTY TO
27 REPORT PURSUANT TO SECTION 13-3620 SATISFY THE REQUIREMENTS OF THIS
28 SECTION FOR THE ACADEMIC YEAR IN WHICH THEY RECEIVE THE TRAINING.
29 TEACHERS AND ADMINISTRATORS WHO RECEIVE PREVENTION TRAINING ON ISSUES
30 CONCERNING CHILD ABUSE PURSUANT TO SECTION 15-218 SATISFY THE REQUIREMENTS
31 OF THIS SECTION FOR THE ACADEMIC YEAR IN WHICH THEY RECEIVE THE TRAINING.

32 F. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL INCLUDE A
33 DESCRIPTION OF THE EDUCATION AND TRAINING PRESCRIBED BY THIS SECTION IN AN
34 INFORMATIONAL HANDBOOK AND ON THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S
35 WEBSITE.

36 G. THIS SECTION DOES NOT IMPAIR OR LIMIT THE IMMUNITY AVAILABLE TO
37 SCHOOL PERSONNEL PURSUANT TO SECTION 13-3620 OR ANY OTHER IMMUNITY
38 AVAILABLE BY LAW.

39 H. EACH SCHOOL THAT IS OPERATED BY A SCHOOL DISTRICT AND EACH
40 CHARTER SCHOOL SHALL POST A SIGN THAT MEETS ALL OF THE FOLLOWING:

- 41 1. IS IN A CLEARLY VISIBLE LOCATION IN A PUBLIC AREA OF THE SCHOOL.
- 42 2. IS READILY ACCESSIBLE TO STUDENTS AND PLACED AT STUDENTS' EYE
43 LEVEL.
- 44 3. IS AT LEAST ELEVEN INCHES BY SEVENTEEN INCHES.

1 4. CONTAINS THE FOLLOWING IN ENGLISH AND IN SPANISH AND IN LARGE
2 PRINT:

3 (a) THE TELEPHONE NUMBER IN BOLDFACED TYPE OF THE CENTRALIZED
4 INTAKE HOTLINE CONCERNING SUSPECTED ABUSE AND NEGLECT OF CHILDREN THAT IS
5 ESTABLISHED PURSUANT TO SECTION 8-455.

6 (b) INSTRUCTIONS TO CALL 911 FOR EMERGENCIES.

7 (c) DIRECTIONS FOR ACCESSING THE WEBSITE OF THE DEPARTMENT OF CHILD
8 SAFETY FOR MORE INFORMATION ON REPORTING CHILD ABUSE, CHILD NEGLECT AND
9 THE EXPLOITATION OF CHILDREN.

10 I. SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY USE MONIES FROM ANY
11 AVAILABLE FEDERAL SOURCE, INCLUDING GRANT MONIES ALLOCATED PURSUANT TO THE
12 EVERY STUDENT SUCCEEDS ACT (P.L. 114-95; 129 STAT. 1802; 20 UNITED STATES
13 CODE SECTIONS 7101 THROUGH 7122), FOR THE PURPOSES PRESCRIBED IN THIS
14 SECTION.

15 J. THIS SECTION DOES NOT REQUIRE SCHOOL DISTRICTS AND CHARTER
16 SCHOOLS TO PROVIDE SEX EDUCATION INSTRUCTION.

17 K. ON WRITTEN REQUEST TO THE PRINCIPAL OF THE SCHOOL WHERE THE
18 STUDENT IS ENROLLED, THE PARENT OR GUARDIAN OF A STUDENT WHO IS UNDER
19 EIGHTEEN YEARS OF AGE MAY REVIEW THE MATERIALS FOR THE EDUCATION AND
20 TRAINING REQUIRED BY THIS SECTION. PARENTS MAY OPT THEIR CHILD OUT OF THE
21 EDUCATION AND TRAINING REQUIRED BY THIS SECTION REGARDLESS OF WHETHER THEY
22 MAKE A WRITTEN REQUEST TO REVIEW THE MATERIALS.

23 L. THIS SECTION DOES NOT VOID OR IMPAIR ANY RIGHT GUARANTEED TO
24 PARENTS BY SECTION 15-102 OR 15-730 OR ANY OTHER LAW.

25 Sec. 4. Section 15-716, Arizona Revised Statutes, is amended to
26 read:

27 15-716. Instruction on AIDS and HIV; minimum grade;
28 department assistance; parental permission required

29 A. Each common, high and unified school district may provide
30 instruction to pupils in ~~kindergarten programs and~~ grades ~~one~~ SIX through
31 twelve on acquired immune deficiency syndrome and the human
32 immunodeficiency virus. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT
33 PROVIDE INSTRUCTION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME AND THE HUMAN
34 IMMUNODEFICIENCY VIRUS TO A PUPIL BEFORE THE SIXTH GRADE. A SCHOOL
35 DISTRICT OR CHARTER SCHOOL SHALL PROVIDE INSTRUCTION TO PUPILS IN
36 KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH FIVE AS PRESCRIBED IN SECTION
37 15-712.02.

38 B. Each school district may develop its own course of study for
39 each grade. At a minimum, instruction shall:

- 40 1. Be appropriate to the grade level in which it is offered.
- 41 2. Be medically AND FACTUALLY accurate.
- 42 3. Promote abstinence.
- 43 4. Discourage drug abuse.
- 44 5. Dispel myths regarding transmission of the human
- 45 immunodeficiency virus.

1 6. EMPHASIZE BIOLOGICAL SEX AND NOT GENDER IDENTITIES.
2 7. PROMOTE HONOR AND RESPECT FOR MONOGAMOUS MARRIAGE.
3 C. At the request of a school district, the department of health
4 services or the department of education shall review instruction materials
5 to determine their medical accuracy.
6 D. At the request of a school district, the department of education
7 shall provide the following assistance:
8 1. A suggested course of study.
9 2. Teacher training.
10 3. A list of available films and other teaching aids.
11 E. ~~At the request of a parent,~~ A SCHOOL DISTRICT MAY NOT PROVIDE
12 INSTRUCTION TO A PUPIL ON ACQUIRED IMMUNE DEFICIENCY SYNDROME AND THE
13 HUMAN IMMUNODEFICIENCY VIRUS AS PROVIDED IN SUBSECTION A OF THIS SECTION
14 UNLESS THE PUPIL'S PARENT PROVIDES WRITTEN PERMISSION FOR THE PUPIL TO
15 PARTICIPATE IN THE INSTRUCTION. IF THE PARENT DOES NOT PROVIDE WRITTEN
16 PERMISSION, THE pupil shall be excused from THE instruction ~~on the~~
17 ~~acquired immune deficiency syndrome and the human immunodeficiency virus~~
18 ~~as provided in subsection A of this section.~~ The school district shall
19 provide a description of the course curriculum to all parents and notify
20 all parents ~~of their ability to withdraw their child from the instruction~~
21 THAT INSTRUCTION WILL NOT BE PROVIDED UNLESS THE PARENT PROVIDES WRITTEN
22 PERMISSION PURSUANT TO THIS SUBSECTION.
23 Sec. 5. Appropriation; department of education; education and
24 training on child abuse prevention
25 The sum of \$415,000 is appropriated from the state general fund in
26 fiscal year 2020-2021 to the department of education to distribute to
27 school districts and charter schools to establish education and training
28 on child abuse prevention as prescribed in section 15-712.02, Arizona
29 Revised Statutes, as added by this act.