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)
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 governing board, 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, including:

1. A plan for parent participation in the schools 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:
   (a) The right to opt in to a sex education curriculum if one is provided by the school district.
   (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 15-764.


(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.

(q) The right to access the failing schools tutoring fund pursuant to section 15-241.

B. The policy adopted by the governing board pursuant to this section may include the following components:

1. A plan by which parents will be made aware of the district'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 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 PROMOTING 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.
1. Efforts to support, with appropriate training, parents as shared decision-makers and to encourage membership on school councils.

2. 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.

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

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

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

6. 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 at the office of the school district. Within ten days after receiving the request for information, the school principal or the superintendent of the school district shall either deliver the requested information to the parent or submit to the parent a written explanation of the reasons for denying 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, 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.

7. 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 curricula; sexual conduct with a minor; minimum grade; instruction requirements

A. All school districts with existing sex education curricula shall 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 may develop its own course of study to meet the requirements of this section SUBSECTION.

B. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT PROVIDE SEX EDUCATION INSTRUCTION TO A PUPIL BEFORE THE SIXTH GRADE. A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL PROVIDE INSTRUCTION TO PUPILS IN
KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH FIVE AS PRESCRIBED IN SECTION 15-712.02.

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

1. THE INSTRUCTION SHALL BOTH:
   (a) BE MEDICALLY AND FACTUALLY ACCURATE.
   (b) EMPHASIZE BIOLOGICAL SEX AND NOT GENDER IDENTITIES.

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

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

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

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

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

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

1. USE AN AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE, RESEARCH-BASED CURRICULUM TO TEACH STUDENTS ABUSE-PREVENTION AND RISK-REDUCTION STRATEGIES, INCLUDING:
   (a) HOW TO IDENTIFY DANGEROUS SITUATIONS.
   (b) HOW TO IDENTIFY PERSONAL BOUNDARY VIOLATIONS.
   (c) HOW TO ENSURE THEIR SAFETY BY CHECKING WITH AN ADULT.
   (d) HOW TO RESIST DANGEROUS APPROACHES AND INVITATIONS.
   (e) HOW TO SUMMON HELP.
   (f) WHAT TO DO IF ABUSE OCCURS.

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

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

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

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

1. FACTORS INDICATING THAT A CHILD IS AT RISK FOR ABUSE.

2. LIKELY WARNING SIGNS INDICATING THAT A CHILD MAY BE A VICTIM OF ABUSE.

3. INTERNAL PROCEDURES FOR A CHILD WHO IS AT RISK FOR ABUSE TO SEEK ASSISTANCE.

4. METHODS FOR REDUCING A CHILD'S RISK OF BEING A VICTIM OF ABUSE.

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

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

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

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

1. IS IN A CLEARLY VISIBLE LOCATION IN A PUBLIC AREA OF THE SCHOOL.

2. IS READILY ACCESSIBLE TO STUDENTS AND PLACED AT STUDENTS' EYE LEVEL.

3. IS AT LEAST ELEVEN INCHES BY SEVENTEEN INCHES.
4. CONTAINS THE FOLLOWING IN ENGLISH AND IN SPANISH AND IN LARGE PRINT:

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

(b) INSTRUCTIONS TO CALL 911 FOR EMERGENCIES.

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

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

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

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

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

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

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

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

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

1. Be appropriate to the grade level in which it is offered.
2. Be medically AND FACTUALLY accurate.
3. Promote abstinence.
4. Discourage drug abuse.
5. Dispel myths regarding transmission of the human immunodeficiency virus.
6. EMPHASIZE BIOLOGICAL SEX AND NOT GENDER IDENTITIES.

7. PROMOTE HONOR AND RESPECT FOR MONOGAMOUS MARRIAGE.

C. At the request of a school district, the department of health services or the department of education shall review instruction materials to determine their medical accuracy.

D. At the request of a school district, the department of education shall provide the following assistance:
   1. A suggested course of study.
   2. Teacher training.
   3. A list of available films and other teaching aids.

E. At the request of a parent, A SCHOOL DISTRICT MAY NOT PROVIDE INSTRUCTION TO A PUPIL ON ACQUIRED IMMUNE DEFICIENCY SYNDROME AND THE HUMAN IMMUNODEFICIENCY VIRUS AS PROVIDED IN SUBSECTION A OF THIS SECTION UNLESS THE PUPIL’S PARENT PROVIDES WRITTEN PERMISSION FOR THE PUPIL TO PARTICIPATE IN THE INSTRUCTION. IF THE PARENT DOES NOT PROVIDE WRITTEN PERMISSION, THE pupil shall be excused from THE instruction on the acquired immune deficiency syndrome and the human immunodeficiency virus as provided in subsection A of this section. The school district shall provide a description of the course curriculum to all parents and notify all parents of their ability to withdraw their child from the instruction THAT INSTRUCTION WILL NOT BE PROVIDED UNLESS THE PARENT PROVIDES WRITTEN PERMISSION PURSUANT TO THIS SUBSECTION.

Sec. 5. Appropriation; department of education; education and training on child abuse prevention

The sum of $415,000 is appropriated from the state general fund in fiscal year 2020-2021 to the department of education to distribute to school districts and charter schools to establish education and training on child abuse prevention as prescribed in section 15-712.02, Arizona Revised Statutes, as added by this act.