

REFERENCE TITLE: **schools; sex education**

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

HB 2658

Introduced by
Representatives Biasiucci: Barto, Blackman, Bolick, Bowers, Cobb, Finchem,
Griffin, Lawrence, Nutt, Payne, Pierce, Roberts, Townsend, Senators
Borrelli, Gowan

AN ACT

AMENDING SECTION 15-102, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 1, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-189.07; AMENDING SECTIONS 15-711 AND 15-716, 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 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
20 is harmful includes objection to a material or activity because it
21 questions 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 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~~ IN TO instruction on the acquired
4 immune 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 to parents of techniques designed to assist
37 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 communication between the school and parents
41 concerning school programs and the academic progress of the parents'
42 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 the diversity of parents and the development
6 of guidelines that promote widespread parental participation and
7 involvement in the school at various levels.

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

11 10. The development of strategies and programmatic structures at
12 schools to encourage and enable parents to participate actively in their
13 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 the requested information. If the request for information
24 is denied or the parent does not receive the requested information within
25 fifteen days after submitting the request for information, the parent may
26 submit a written request for the information to the school district
27 governing board, which shall formally consider the request at the next
28 scheduled public meeting of the governing board if the request can be
29 properly noticed on the agenda. If the request cannot be properly noticed
30 on the agenda, the governing board shall formally consider the request at
31 the next subsequent public meeting of the governing board.

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

34 Sec. 2. Title 15, chapter 1, article 8, Arizona Revised Statutes,
35 is amended by adding section 15-189.07, to read:

36 15-189.07. Sex education instruction; parental opt-in

37 IF A CHARTER SCHOOL OFFERS ANY SEX EDUCATION CURRICULA PURSUANT TO
38 SECTION 15-711 OR 15-716 OR PURSUANT TO ANY RULES ADOPTED BY THE STATE
39 BOARD OF EDUCATION, THE CHARTER SCHOOL GOVERNING BODY SHALL ADOPT
40 PROCEDURES TO PROHIBIT THE CHARTER SCHOOL FROM PROVIDING SEX EDUCATION
41 INSTRUCTION TO A PUPIL UNLESS THE PUPIL'S PARENT PROVIDES WRITTEN
42 PERMISSION FOR THE CHILD TO PARTICIPATE IN THE SEX EDUCATION CURRICULA.

1 Sec. 3. Section 15-711, Arizona Revised Statutes, is amended to
2 read:

3 15-711. Sex education curricula; sexual conduct with a minor;
4 prohibited instruction; curricula review

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

10 B. SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY NOT PROVIDE SEX
11 EDUCATION INSTRUCTION, INCLUDING INSTRUCTION PURSUANT TO SECTION 15-716,
12 BEFORE THE FIFTH GRADE.

13 C. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL MAKE ANY SEX
14 EDUCATION CURRICULA, INCLUDING CURRICULA RELATED TO INSTRUCTION UNDER
15 SECTION 15-716, AVAILABLE FOR A PARENT'S REVIEW, EITHER ONLINE OR
16 IN-PERSON, BEFORE THE PARENT PROVIDES WRITTEN PERMISSION FOR THE PARENT'S
17 CHILD TO PARTICIPATE IN THE SEX EDUCATION CURRICULA, INCLUDING CURRICULA
18 RELATED TO INSTRUCTION UNDER SECTION 15-716, PURSUANT TO SECTION 15-102,
19 SUBSECTION A, PARAGRAPH 4 OR SECTION 15-189.07. SCHOOL DISTRICTS AND
20 CHARTER SCHOOLS SHALL NOTIFY PARENTS WHERE THE SEX EDUCATION CURRICULA,
21 INCLUDING CURRICULA RELATED TO INSTRUCTION UNDER SECTION 15-716, IS
22 AVAILABLE FOR REVIEW AT LEAST TWO WEEKS BEFORE ANY INSTRUCTION IS OFFERED
23 PURSUANT TO THIS SECTION OR SECTION 15-716.

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

26 15-716. Instruction on AIDS and HIV; department assistance;
27 parental permission required

28 A. Each common, high and unified school district **AND EACH CHARTER**
29 **SCHOOL** may provide instruction to pupils in kindergarten programs and
30 grades ~~one~~ **FIVE** through twelve on acquired immune deficiency syndrome and
31 the human immunodeficiency virus.

32 B. Each school district **OR CHARTER SCHOOL** may develop its own
33 course of study for each grade. At a minimum, instruction shall:

- 34 1. Be appropriate to the grade level in which it is offered.
35 2. Be medically accurate.
36 3. Promote abstinence.
37 4. Discourage drug abuse.
38 5. Dispel myths regarding transmission of the human
39 immunodeficiency virus.

40 C. At the request of a school district **OR CHARTER SCHOOL**, the
41 department of health services or the department of education shall review
42 instruction materials to determine their medical accuracy.

43 D. At the request of a school district **OR CHARTER SCHOOL**, the
44 department of education shall provide the following assistance:

- 45 1. A suggested course of study.

- 1 2. Teacher training.
- 2 3. A list of available films and other teaching aids.
- 3 E. ~~At the request of a parent,~~ A SCHOOL DISTRICT OR CHARTER SCHOOL
- 4 MAY NOT PROVIDE INSTRUCTION TO A PUPIL ON ACQUIRED IMMUNE DEFICIENCY
- 5 SYNDROME AND THE HUMAN IMMUNODEFICIENCY VIRUS AS PROVIDED IN SUBSECTION A
- 6 OF THIS SECTION UNLESS THE PUPIL'S PARENT PROVIDES WRITTEN PERMISSION FOR
- 7 THE PUPIL TO PARTICIPATE IN THE INSTRUCTION. IF THE PARENT DOES NOT
- 8 PROVIDE WRITTEN PERMISSION, THE pupil shall be excused from THE
- 9 instruction ~~on the acquired immune deficiency syndrome and the human~~
- 10 ~~immunodeficiency virus as provided in subsection A of this section.~~ The
- 11 school district OR CHARTER SCHOOL shall provide a description of the
- 12 course curriculum to all parents and notify all parents ~~of their ability~~
- 13 ~~to withdraw their child from the instruction~~ THAT THE INSTRUCTION WILL NOT
- 14 BE PROVIDED UNLESS THE PARENT PROVIDES WRITTEN PERMISSION PURSUANT TO THIS
- 15 SUBSECTION.