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)
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 a 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 15-746.


(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 pursuant to this section may also 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 to parents of techniques 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 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 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, 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. Title 15, chapter 1, article 8, Arizona Revised Statutes, is amended by adding section 15-189.07, to read:

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

IF A CHARTER SCHOOL 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, THE CHARTER SCHOOL GOVERNING BODY SHALL ADOPT PROCEDURES TO PROHIBIT THE CHARTER SCHOOL 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.
Sec. 3. Section 15-711, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

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

B. Each school district OR CHARTER SCHOOL 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 accurate.
3. Promote abstinence.
4. Discourage drug abuse.
5. Dispel myths regarding transmission of the human immunodeficiency virus.

C. At the request of a school district OR CHARTER SCHOOL, 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 OR CHARTER SCHOOL, 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 OR CHARTER SCHOOL 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 OR CHARTER SCHOOL 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 THE INSTRUCTION WILL NOT BE PROVIDED UNLESS THE PARENT PROVIDES WRITTEN PERMISSION PURSUANT TO THIS SUBSECTION.