

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1082

Introduced by
Senator Allen S

AN ACT

AMENDING SECTIONS 13-3501, 15-102, 15-115, 15-711 AND 15-716, ARIZONA
REVISED STATUTES; RELATING TO SCHOOL INSTRUCTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3501, Arizona Revised Statutes, is amended to
3 read:

4 13-3501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Harmful to minors" means that quality of any description or
7 representation, in whatever form, of nudity, sexual activity, sexual
8 conduct, sexual excitement, or sadomasochistic abuse, when both:

9 (a) To the average adult applying contemporary state standards with
10 respect to what is suitable for minors, it both:

11 (i) Appeals to the prurient interest, when taken as a whole. In
12 order for an item as a whole to be found or intended to have an appeal to
13 the prurient interest, it is not necessary that the item be successful in
14 arousing or exciting any particular form of prurient interest either in
15 the hypothetical average person, in a member of its intended and probable
16 recipient group or in the trier of fact.

17 (ii) Portrays the description or representation in a patently
18 offensive way.

19 (b) Taken as a whole does not have serious literary, artistic,
20 political, or scientific value for minors.

21 2. "Item" means any material or performance which depicts or
22 describes sexual activity and includes any book, leaflet, pamphlet,
23 magazine, booklet, picture, drawing, photograph, film, negative, slide,
24 motion picture, figure, object, article, novelty device, recording,
25 transcription, live or recorded telephone message or other similar items
26 whether tangible or intangible and including any performance, exhibition,
27 transmission or dissemination of any of the above. An item also includes
28 a live performance or exhibition which depicts sexual activity to the
29 public or an audience of one or more persons. An item is obscene within
30 the meaning of this chapter when all of the following apply:

31 (a) The average person, applying contemporary state standards,
32 would find that the item, taken as a whole, appeals to the prurient
33 interest. In order for an item as a whole to be found or intended to have
34 an appeal to the prurient interest, it is not necessary that the item be
35 successful in arousing or exciting any particular form of prurient
36 interest either in the hypothetical average person, in a member of its
37 intended and probable recipient group or in the trier of fact.

38 (b) The average person, applying contemporary state standards,
39 would find that the item depicts or describes, in a patently offensive
40 way, sexual activity as that term is described in this section.

41 (c) The item, taken as a whole, lacks serious literary, artistic,
42 political or scientific value.

43 3. "Knowledge of the character" means having general knowledge or
44 awareness, or reason to know, or a belief or ground for belief which

1 warrants further inspection or inquiry of that which is reasonably
2 susceptible to examination by the defendant both:

3 (a) That the item contains, depicts or describes nudity, sexual
4 activity, sexual conduct, sexual excitement or sadomasochistic abuse,
5 whichever is applicable, whether or not there is actual knowledge of the
6 specific contents thereof. This knowledge can be proven by direct or
7 circumstantial evidence, or both.

8 (b) If relevant to a prosecution for violating section 13-3506,
9 13-3506.01 or 13-3507, the age of the minor, provided that an honest
10 mistake shall constitute an excuse from liability under this chapter if
11 the defendant made a reasonable bona fide attempt to ascertain the true
12 age of such minor.

13 4. "Nudity" means the showing of the human male or female genitals,
14 pubic area or buttocks with less than a full opaque covering, or the
15 showing of the female breast with less than a fully opaque covering of any
16 portion thereof below the top of the nipple, or the depiction of covered
17 male genitals in a discernibly turgid state.

18 5. "Sadomasochistic abuse" means flagellation or torture by or upon
19 a person clad in undergarments, a mask or bizarre costume, or the
20 condition of being fettered, bound or otherwise physically restrained on
21 the part of one so clothed, for the purpose or in the context of sexual
22 gratification or abuse.

23 6. "Sexual activity" means:

24 (a) Patently offensive representations or descriptions of ultimate
25 sexual acts, normal or perverted, actual or simulated.

26 (b) Patently offensive representations or descriptions of
27 masturbation, excretory functions, sadomasochistic abuse and lewd
28 exhibition of the genitals.

29 7. "Sexual conduct" means acts of masturbation, ~~homosexuality~~,
30 sexual intercourse, or physical contact with a person's clothed or
31 unclothed genitals, pubic area, buttocks or, if such person is a female,
32 breast.

33 8. "Sexual excitement" means the condition of human male or female
34 genitals when in a state of sexual stimulation or arousal.

35 9. "Ultimate sexual acts" means sexual intercourse, vaginal or
36 anal, fellatio, cunnilingus, bestiality or sodomy. A sexual act is
37 simulated when it depicts explicit sexual activity which gives the
38 appearance of consummation of ultimate sexual acts.

39 Sec. 2. Section 15-102, Arizona Revised Statutes, is amended to
40 read:

41 15-102. Parental involvement in the school; definitions

42 A. The SCHOOL DISTRICT governing board, in consultation with
43 parents, teachers and administrators, shall develop and adopt a policy to
44 promote the involvement of parents and guardians of children enrolled in
45 the schools within the school district, including:

1 1. A plan for parent participation in the schools that is designed
2 to improve parent and teacher cooperation in such areas as homework,
3 attendance and discipline. The plan shall provide for the administration
4 of a parent-teacher satisfaction survey.

5 2. Procedures by which parents may learn about the course of study
6 for their children and review learning materials, ~~including~~ WHICH ARE
7 DEFINED TO INCLUDE the ~~source~~ INSTRUCTIONAL MATERIALS USED BY A TEACHER
8 AND ANY MATERIALS USED BY PUPILS AND THE SOURCES of THOSE MATERIALS AND
9 any supplemental educational materials.

10 3. Procedures by which parents who object to any learning material
11 or activity on the basis that it is harmful may withdraw their children
12 from the activity or from the class or program in which the material is
13 used. Objection to a learning material or activity on the basis that it
14 is harmful includes objection to a material or activity because it
15 questions beliefs or practices in sex, morality or religion.

16 4. If a school district offers any sex education curricula pursuant
17 to section 15-711 or 15-716 or pursuant to any rules adopted by the state
18 board of education, procedures to prohibit ~~a~~ THE school district from
19 providing sex education instruction to a pupil unless the pupil's parent
20 provides written permission for the child to participate in the sex
21 education curricula. IN SEEKING WRITTEN PERMISSION FROM A PUPIL'S PARENT
22 PURSUANT TO THIS PARAGRAPH, THE SCHOOL DISTRICT SHALL DO ALL OF THE
23 FOLLOWING:

24 (a) PROVIDE THE PUPIL'S PARENT WITH A WRITTEN PERMISSION FORM THAT
25 INCLUDES AN OUTLINE OF THE TOPICS THAT ARE INCLUDED IN THE SEX EDUCATION
26 CURRICULA.

27 (b) NOTIFY THE PUPIL'S PARENT OF THE RIGHT TO REVIEW THE LEARNING
28 MATERIALS PURSUANT TO PARAGRAPH 2 OF THIS SUBSECTION.

29 (c) NOTIFY THE PUPIL'S PARENT OF THE AVAILABILITY OF ALL OF THE
30 LEARNING MATERIALS FOR REVIEW AT THE SCHOOL AND SCHOOL DISTRICT OFFICE
31 DURING REGULAR BUSINESS HOURS.

32 5. Procedures by which parents will be notified in advance of and
33 given the opportunity to withdraw their children from any instruction or
34 presentations regarding SEX, sexuality OR SEXUAL ACTIVITY in courses other
35 than formal sex education curricula.

36 6. Procedures by which parents may learn about the nature and
37 purpose of clubs and activities that are part of the school curriculum,
38 extracurricular clubs and activities that have been approved by the
39 school.

40 7. Procedures by which parents may learn about parental rights and
41 responsibilities under the laws of this state, including the following:

42 (a) The right to opt in to a sex education curriculum if one is
43 provided by the school district.

44 (b) Open enrollment rights pursuant to section 15-816.01.

- 1 (c) The right to opt out of assignments pursuant to this section.
- 2 (d) The right to opt out of immunizations pursuant to section
- 3 15-873.
- 4 (e) The promotion requirements prescribed in section 15-701.
- 5 (f) The minimum course of study and competency requirements for
- 6 graduation from high school prescribed in section 15-701.01.
- 7 ~~(g) The right to opt out of instruction on the acquired immune~~
- 8 ~~deficiency syndrome pursuant to section 15-716.~~
- 9 ~~(h)~~ (g) The right to review test results pursuant to section
- 10 15-743.
- 11 ~~(i)~~ (h) The right to participate in gifted programs pursuant to
- 12 section 15-779.01.
- 13 ~~(j)~~ (i) The right to access instructional materials pursuant to
- 14 section 15-730.
- 15 ~~(k)~~ (j) The right to receive a school report card pursuant to
- 16 section 15-746.
- 17 ~~(l)~~ (k) The attendance requirements prescribed in sections 15-802,
- 18 15-803 and 15-821.
- 19 ~~(m)~~ (l) The right to public review of courses of study and
- 20 textbooks pursuant to sections 15-721 and 15-722.
- 21 ~~(n)~~ (m) The right to be excused from school attendance for
- 22 religious purposes pursuant to section 15-806.
- 23 ~~(o)~~ (n) Policies related to parental involvement pursuant to this
- 24 section.
- 25 ~~(p)~~ (o) The right to seek membership on school councils pursuant
- 26 to section 15-351.
- 27 ~~(q)~~ (p) Information about the student accountability information
- 28 system as prescribed in section 15-1041.
- 29 ~~(r)~~ (q) The right to access the failing schools tutoring fund
- 30 pursuant to section 15-241.

31 B. EACH CHARTER SCHOOL GOVERNING BODY, IN CONSULTATION WITH
32 PARENTS, TEACHERS AND ADMINISTRATORS, SHALL DEVELOP AND ADOPT BOTH OF THE
33 FOLLOWING:

34 1. IF THE CHARTER SCHOOL OFFERS ANY SEX EDUCATION CURRICULA
35 PURSUANT TO SECTION 15-711 OR 15-716 OR PURSUANT TO ANY RULES ADOPTED BY
36 THE STATE BOARD OF EDUCATION, PROCEDURES TO PROHIBIT THE CHARTER SCHOOL
37 FROM PROVIDING SEX EDUCATION INSTRUCTION TO A PUPIL UNLESS THE PUPIL'S
38 PARENT PROVIDES WRITTEN PERMISSION FOR THE CHILD TO PARTICIPATE IN THE SEX
39 EDUCATION CURRICULA. IN SEEKING WRITTEN PERMISSION FROM A PUPIL'S PARENT
40 PURSUANT TO THIS PARAGRAPH, THE CHARTER SCHOOL SHALL DO ALL OF THE
41 FOLLOWING:

- 42 (a) PROVIDE THE PUPIL'S PARENT WITH A WRITTEN PERMISSION FORM THAT
- 43 INCLUDES AN OUTLINE OF ALL THE TOPICS THAT ARE INCLUDED IN THE SEX
- 44 EDUCATION CURRICULA.

1 (b) NOTIFY THE PUPIL'S PARENT OF THE RIGHT TO REVIEW ALL OF THE
2 LEARNING MATERIALS PURSUANT TO PROCEDURES DEVELOPED AND ADOPTED BY THE
3 CHARTER SCHOOL GOVERNING BODY.

4 (c) NOTIFY THE PUPIL'S PARENT OF THE AVAILABILITY OF THE LEARNING
5 MATERIALS FOR REVIEW AT THE CHARTER SCHOOL OFFICE DURING REGULAR BUSINESS
6 HOURS.

7 2. PROCEDURES BY WHICH PARENTS WILL BE NOTIFIED IN ADVANCE OF AND
8 GIVEN THE OPPORTUNITY TO WITHDRAW THEIR CHILDREN FROM ANY INSTRUCTION OR
9 PRESENTATIONS REGARDING SEX, SEXUALITY OR SEXUAL ACTIVITY IN COURSES OTHER
10 THAN FORMAL SEX EDUCATION CURRICULA.

11 ~~B.~~ C. The policy adopted by the SCHOOL DISTRICT governing board OR
12 CHARTER SCHOOL GOVERNING BODY pursuant to this section may also include
13 the following components:

14 1. A plan by which parents will be made aware of the district's OR
15 CHARTER SCHOOL'S parental involvement policy and this section, including:

16 (a) Rights under the family educational rights and privacy act of
17 1974 (20 United States Code section 1232g) relating to access to
18 children's official records.

19 (b) The parent's right to inspect the school district OR CHARTER
20 SCHOOL policies and curriculum.

21 2. Efforts to encourage the development of parenting skills.

22 3. ~~The communication~~ COMMUNICATING to parents ~~of~~ techniques THAT
23 ARE designed to assist the child's learning experience in the home.

24 4. Efforts to encourage access to community and support services
25 for children and families.

26 5. ~~The promotion of~~ PROMOTING communication between the school and
27 parents concerning school programs and the academic progress of the
28 parents' children.

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

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

33 8. ~~The recognition of~~ RECOGNIZING the diversity of parents and ~~the~~
34 ~~development of~~ DEVELOPING guidelines that promote widespread parental
35 participation and involvement in the school at various levels.

36 9. ~~The development of~~ DEVELOPING preparation programs and
37 specialized courses for certificated employees and administrators that
38 promote parental involvement.

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

42 ~~C.~~ D. The SCHOOL DISTRICT governing board OR CHARTER SCHOOL
43 GOVERNING BODY may adopt a policy to provide to parents the information
44 required by this section in an electronic form.

1 ~~D.~~ E. A parent shall submit a written request for information
2 pursuant to this section during regular business hours to either the
3 school principal at the school site or the superintendent of the school
4 district at the office of the school district. Within ten days after
5 receiving the request for information, the school principal or the
6 superintendent of the school district shall either deliver the requested
7 information to the parent or submit to the parent a written explanation of
8 the reasons for ~~the denial of~~ DENYING the requested information. If the
9 request for information is denied or the parent does not receive the
10 requested information within fifteen days after submitting the request for
11 information, the parent may submit a written request for the information
12 to the school district governing board OR CHARTER SCHOOL GOVERNING BODY,
13 which shall formally consider the request at the next scheduled public
14 meeting of the SCHOOL DISTRICT governing board OR CHARTER SCHOOL GOVERNING
15 BODY if the request can be properly noticed on the agenda. If the request
16 cannot be properly noticed on the agenda, the SCHOOL DISTRICT governing
17 board OR CHARTER SCHOOL GOVERNING BODY shall formally consider the request
18 at the next subsequent public meeting of the SCHOOL DISTRICT governing
19 board OR CHARTER SCHOOL GOVERNING BODY.

20 ~~E.~~ F. For the purposes of this section: ~~—~~

21 1. "Parent" means the natural or adoptive parent or legal guardian
22 of a minor child.

23 2. "SEX EDUCATION" MEANS ANY COURSE OF STUDY OR INSTRUCTION ON
24 HUMAN SEXUALITY, SEXUAL ACTIVITY, SEXUAL CONDUCT, ULTIMATE SEXUAL ACTS AS
25 DEFINED IN SECTION 13-3501, INTIMATE RELATIONSHIPS, SEXUALLY TRANSMITTED
26 INFECTIONS, CONTRACEPTION, PREGNANCY, OR ACQUIRED IMMUNE DEFICIENCY
27 SYNDROME AND THE HUMAN IMMUNODEFICIENCY VIRUS.

28 Sec. 3. Section 15-115, Arizona Revised Statutes, is amended to
29 read:

30 15-115. Preference for childbirth and adoption; allowable
31 presentations

32 A. In view of the state's strong interest in promoting childbirth
33 and adoption over elective abortion, ~~no~~ A school district or charter
34 school in this state may NOT endorse or provide financial or instructional
35 program support to any program that does not present childbirth and
36 adoption as preferred options to elective abortion.

37 B. In view of the state's strong interest in promoting childbirth
38 and adoption over elective abortion, ~~no~~ A school district or charter
39 school in this state may NOT allow any presentation, INCLUDING ANY
40 PRESENTATION during instructional time, or furnish any materials,
41 INCLUDING MATERIALS THAT ARE FURNISHED to pupils as part of any
42 instruction, that ~~does~~ DO not give preference, encouragement and support
43 to childbirth and adoption as preferred options to elective abortion.

44 C. ANY PROGRAM, PRESENTATION OR MATERIALS PROVIDED PURSUANT TO
45 SECTIONS 15-711 AND 15-716 MUST COMPLY WITH THIS SECTION.

1 Sec. 4. Section 15-711, Arizona Revised Statutes, is amended to
2 read:

3 15-711. Sex education; course of study; definitions

4 A. ~~At~~ EACH school ~~districts~~ DISTRICT OR CHARTER SCHOOL with
5 existing sex education curricula shall include instruction on the laws
6 relating to sexual conduct with a minor for pupils in grades seven, eight,
7 nine, ten, eleven and twelve.

8 B. Each school district OR CHARTER SCHOOL may develop its own SEX
9 EDUCATION COURSE OF STUDY OR ADOPT AN EXISTING SEX EDUCATION course of
10 study to meet the requirements of this section AND SECTION 15-716. ANY
11 REVISION OR UPDATE TO A SEX EDUCATION COURSE OF STUDY SHALL MEET THE
12 REQUIREMENTS OF THIS SECTION AND SECTION 15-716.

13 C. BEFORE A SCHOOL DISTRICT OR CHARTER SCHOOL OFFERS SEX EDUCATION
14 INSTRUCTION, THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL
15 GOVERNING BODY SHALL REVIEW AND APPROVE THE SEX EDUCATION COURSE OF STUDY
16 THAT IS DEVELOPED, ADOPTED, REVISED OR UPDATED PURSUANT TO THIS SECTION
17 AND SECTION 15-716. THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL
18 GOVERNING BODY MAY NOT APPROVE A COURSE OF STUDY UNLESS IT COMPLIES WITH
19 THIS SECTION AND SECTION 15-716.

20 D. BEFORE APPROVING ANY SEX EDUCATION COURSE OF STUDY DEVELOPED,
21 ADOPTED, REVISED OR UPDATED PURSUANT TO THIS SECTION AND SECTION 15-716,
22 THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY SHALL
23 DO BOTH OF THE FOLLOWING:

24 1. REQUIRE THAT ALL MEETINGS OF COMMITTEES THAT HAVE BEEN
25 AUTHORIZED FOR THE PURPOSES OF REVIEWING AND SELECTING THE SEX EDUCATION
26 COURSE OF STUDY BE PUBLICLY NOTICED AT LEAST TWO WEEKS BEFORE OCCURRING
27 AND BE OPEN TO THE PUBLIC PURSUANT TO TITLE 38, CHAPTER 3, ARTICLE 3.1.

28 2. MAKE ANY PROPOSED SEX EDUCATION COURSE OF STUDY AVAILABLE AND
29 ACCESSIBLE FOR REVIEW AND PUBLIC COMMENT FOR AT LEAST SIXTY DAYS AND
30 CONDUCT AT LEAST TWO PUBLIC HEARINGS WITHIN THE SIXTY DAYS BEFORE THE
31 SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY DECIDES
32 WHETHER TO APPROVE ANY COURSE OF STUDY. PUBLIC COMMENT MAY INCLUDE
33 WRITTEN COMMENTS, ORAL COMMENTS AND COMMENTS SUBMITTED THROUGH EMAIL.

34 E. A SCHOOL DISTRICT OR CHARTER SCHOOL IS NOT REQUIRED TO PROVIDE
35 SEX EDUCATION INSTRUCTION TO PUPILS. IF A SCHOOL DISTRICT OR CHARTER
36 SCHOOL DECIDES TO PROVIDE SEX EDUCATION INSTRUCTION AFTER SCHOOL HOURS,
37 THIS SECTION AND SECTIONS 15-102 AND 15-716 APPLY.

38 F. FOR THE PURPOSES OF THIS SECTION:

39 1. "COURSE OF STUDY" MEANS ANY FRAMEWORK OR CURRICULA, INCLUDING
40 TEXTBOOKS, TEACHING AIDS, INSTRUCTIONAL MATERIALS AND SUPPLEMENTAL
41 INSTRUCTIONAL MATERIALS, WHETHER IN PRINTED OR DIGITAL FORMAT.

42 2. "SEX EDUCATION" MEANS ANY COURSE OF STUDY OR INSTRUCTION ON
43 HUMAN SEXUALITY, SEXUAL ACTIVITY, SEXUAL CONDUCT, ULTIMATE SEXUAL ACTS AS
44 DEFINED IN SECTION 13-3501, INTIMATE RELATIONSHIPS, SEXUALLY TRANSMITTED

1 INFECTIONS, CONTRACEPTION, PREGNANCY, OR ACQUIRED IMMUNE DEFICIENCY
2 SYNDROME AND THE HUMAN IMMUNODEFICIENCY VIRUS.

3 Sec. 5. Section 15-716, Arizona Revised Statutes, is amended to
4 read:

5 15-716. Instruction on sex education, HIV and AIDS; minimum
6 grade; parental permission; enforcement;
7 definitions

8 A. Each common, high and unified school district AND CHARTER SCHOOL
9 may provide ELECTIVE instruction to pupils in ~~kindergarten programs and~~
10 grades ~~one~~ SEVEN through twelve on SEX EDUCATION, INCLUDING ON acquired
11 immune deficiency syndrome and the human immunodeficiency virus. A SCHOOL
12 DISTRICT OR CHARTER SCHOOL MAY NOT PROVIDE SEX EDUCATION INSTRUCTION TO A
13 PUPIL BEFORE THE SEVENTH GRADE. THIS SUBSECTION DOES NOT PROHIBIT A
14 SCHOOL DISTRICT OR CHARTER SCHOOL FROM PROVIDING HEALTH INSTRUCTION,
15 INCLUDING INSTRUCTION ON PERSONAL SAFETY AND INSTRUCTION IN ARIZONA HEALTH
16 STANDARDS, TO PUPILS IN KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH SIX.

17 B. Each school district AND CHARTER SCHOOL may develop its own
18 course of study OR ADOPT AN EXISTING COURSE OF STUDY for each grade. At a
19 minimum, ANY SEX EDUCATION instruction shall:

- 20 1. Be appropriate to the grade level in which it is offered.
- 21 2. Be medically accurate.
- 22 3. Promote abstinence OR, FOR SEXUALLY ACTIVE PUPILS, THE RETURN TO

23 ABSTINENCE AS THE PRIMARY MESSAGE IN ALL SEX EDUCATION INSTRUCTION AND AS
24 THE EXPECTED STANDARD OF CONDUCT FOR MINORS. FOR THE PURPOSES OF THIS
25 PARAGRAPH, "ABSTINENCE" MEANS ABSTAINING FROM ALL SEXUAL CONDUCT AS
26 DEFINED IN SECTION 13-3501 AND ULTIMATE SEXUAL ACTS AS DEFINED IN SECTION
27 13-3501.

- 28 4. Discourage drug abuse.
- 29 5. Dispel myths regarding transmission of the human
- 30 immunodeficiency virus.
- 31 6. EMPHASIZE SEXUAL RISK AVOIDANCE RATHER THAN SEXUAL RISK
- 32 REDUCTION.

33 C. ANY SEX EDUCATION INSTRUCTION MAY NOT:

- 34 1. VIOLATE SECTION 13-3506.
- 35 2. NORMALIZE SEXUAL CONDUCT BETWEEN MINORS OR SEXUAL CONDUCT WITH A
- 36 MINOR IN VIOLATION OF SECTION 13-1405.
- 37 3. SUGGEST THAT ANY TYPE OF SEXUAL CONDUCT BETWEEN MINORS IS SAFE
- 38 OR WITHOUT RISK.

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

42 ~~D. At the request of a school district, the department of education~~
43 ~~shall provide the following assistance:~~

- 44 ~~1. A suggested course of study.~~
- 45 ~~2. Teacher training.~~

1 ~~3. A list of available films and other teaching aids.~~
2 ~~E. At the request of a parent, a pupil shall be excused from~~
3 ~~instruction on the acquired immune deficiency syndrome and the human~~
4 ~~immunodeficiency virus as provided in subsection A of this section. The~~
5 ~~school district shall provide a description of the course curriculum to~~
6 ~~all parents and notify all parents of their ability to withdraw their~~
7 ~~child from the instruction.~~

8 E. EACH SCHOOL DISTRICT AND CHARTER SCHOOL THAT PROVIDES
9 INSTRUCTION ON SEX EDUCATION, INCLUDING ON ACQUIRED IMMUNE DEFICIENCY
10 SYNDROME AND THE HUMAN IMMUNODEFICIENCY VIRUS, SHALL NOTIFY ALL PARENTS OF
11 THE COURSE OF STUDY IN ACCORDANCE WITH SECTION 15-102, SUBSECTION A,
12 PARAGRAPH 4 OR SUBSECTION B, PARAGRAPH 3 AND PROVIDE COURSE MATERIALS FOR
13 REVIEW AT AN ACCESSIBLE LOCATION AT LEAST TWO WEEKS BEFORE THE BEGINNING
14 OF THE SEX EDUCATION INSTRUCTION. A PUPIL SHALL BE EXCUSED FROM
15 INSTRUCTION ON SEX EDUCATION, INCLUDING ON ACQUIRED IMMUNE DEFICIENCY
16 SYNDROME AND THE HUMAN IMMUNODEFICIENCY VIRUS, UNLESS THE PUPIL'S PARENT
17 PROVIDES WRITTEN PERMISSION FOR THE PARENT'S PUPIL TO PARTICIPATE.

18 F. THE PARENTAL NOTIFICATION REQUIRED UNDER SUBSECTION E OF THIS
19 SECTION MUST CONTAIN THE FOLLOWING:

20 1. INFORMATION ON ANY BUSINESS, ORGANIZATION, GUEST SPEAKER,
21 OUTSIDE ENTITY, CONTRACTOR OR OTHER PERSON THAT MAY PROVIDE OR ASSIST WITH
22 SEX EDUCATION MATERIALS OR INSTRUCTION IN THE SCHOOL.

23 2. INFORMATION ON ANY SEX EDUCATION MATERIAL OR INSTRUCTION THAT
24 REFERS PUPILS OR ENCOURAGES PUPILS TO VISIT OR RESEARCH AVAILABLE CLINICS,
25 BUSINESSES OR OTHER OUTSIDE RESOURCES THAT ARE SUBJECT TO THE REQUIREMENTS
26 OF TITLE 36, CHAPTER 4, ARTICLE 10.

27 3. AN ACKNOWLEDGEMENT THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL
28 HAS REVIEWED THE SEX EDUCATION MATERIALS AND INSTRUCTION AND DETERMINED
29 THAT FURNISHING THOSE MATERIALS TO PUPILS DOES NOT VIOLATE SECTION
30 13-3506.

31 G. INSTRUCTION ON SEX EDUCATION SHALL NOT OCCUR OUTSIDE OF THE SEX
32 EDUCATION INSTRUCTION THAT IS DEVELOPED OR ADOPTED PURSUANT TO THIS
33 SECTION AND SECTION 15-711.

34 H. A PUPIL OR A PUPIL'S PARENT MAY NOT INITIATE LEGAL ACTION TO
35 ENFORCE THIS SECTION UNLESS THE PUPIL OR THE PUPIL'S PARENT COMPLIES WITH
36 THE FOLLOWING:

37 1. THE PUPIL OR THE PUPIL'S PARENT SUBMITS A COMPLAINT IN WRITING
38 WITH THE SPECIFIC FACTS OF THE ALLEGED VIOLATION TO THE PRINCIPAL OF THE
39 SCHOOL. THE PRINCIPAL SHALL INVESTIGATE THE COMPLAINT AND RESPOND IN
40 WRITING, INCLUDING A DESCRIPTION OF ANY ACTION TAKEN TO RESOLVE THE
41 COMPLAINT, WITHIN FIFTEEN DAYS AFTER RECEIVING THE WRITTEN COMPLAINT.

42 2. IF THE ACTION TAKEN BY THE PRINCIPAL OF THE SCHOOL DOES NOT
43 RESOLVE THE COMPLAINT OF THE PUPIL OR THE PUPIL'S PARENT, THE PUPIL OR THE
44 PUPIL'S PARENT SUBMITS A COMPLAINT IN WRITING WITH THE SPECIFIC FACTS OF
45 THE ALLEGED VIOLATION TO THE SUPERINTENDENT OR DESIGNATED ADMINISTRATOR.

1 THE SUPERINTENDENT OR DESIGNATED ADMINISTRATOR SHALL INVESTIGATE THE
2 COMPLAINT AND RESPOND IN WRITING, INCLUDING A DESCRIPTION OF ANY ACTION
3 TAKEN TO RESOLVE THE COMPLAINT, WITHIN TWENTY-FIVE DAYS AFTER RECEIVING
4 THE WRITTEN COMPLAINT.

5 I. IF THE ACTION TAKEN BY THE SUPERINTENDENT OR DESIGNATED
6 ADMINISTRATOR PURSUANT TO SUBSECTION H OF THIS SECTION DOES NOT RESOLVE
7 THE COMPLAINT OF THE PUPIL OR THE PUPIL'S PARENT, THE PUPIL OR THE PUPIL'S
8 PARENT MAY PURSUE LEGAL ACTION TO ENFORCE THIS SECTION.

9 J. FOR THE PURPOSES OF THIS SECTION:

10 1. "COURSE OF STUDY" HAS THE SAME MEANING PRESCRIBED IN SECTION
11 15-711.

12 2. "HEALTH INSTRUCTION" MEANS ANY INSTRUCTION, INCLUDING A
13 DISCUSSION OF ESSENTIAL HEALTH PRINCIPLES AND SKILLS, OF A NONSEXUAL
14 NATURE THAT IS NECESSARY TO DEVELOP AND MAINTAIN HEALTHY BEHAVIORS AND
15 LIFESTYLES, AS WELL AS AGE-APPROPRIATE INSTRUCTION ON PHYSICAL, BIOLOGICAL
16 AND HORMONAL CHANGES DURING THE STAGES OF HUMAN MATURATION.

17 3. "PERSONAL SAFETY" MEANS ANY AGE-APPROPRIATE INSTRUCTION THAT
18 PROMOTES A CHILD'S SELF-PROTECTION, INCLUDING HOW TO AVOID POTENTIALLY
19 DANGEROUS OR RISKY ENCOUNTERS, SEXUAL CONTACT AND UNWANTED PHYSICAL
20 CONTACT.

21 4. "SEX EDUCATION" MEANS ANY COURSE OF STUDY OR INSTRUCTION ON
22 HUMAN SEXUALITY, SEXUAL ACTIVITY, SEXUAL CONDUCT, ULTIMATE SEXUAL ACTS AS
23 DEFINED IN SECTION 13-3501, INTIMATE RELATIONSHIPS, SEXUALLY TRANSMITTED
24 INFECTIONS, CONTRACEPTION, PREGNANCY, OR ACQUIRED IMMUNE DEFICIENCY
25 SYNDROME AND THE HUMAN IMMUNODEFICIENCY VIRUS.

26 Sec. 6. Existing sex education instruction; review; delayed
27 repeal

28 A. On or before December 15, 2020, each school district or charter
29 school that offers any sex education instruction shall review its course
30 of study and revise it to comply with sections 15-711 and 15-716, as
31 amended by this act.

32 B. This section is repealed from and after December 31, 2020.