

COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATE AMENDMENTS TO H.B. 2035

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

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 involvement
7 of parents and guardians of children enrolled in the schools within the
8 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~~ THE MATERIAL OR ACTIVITY is harmful may
18 withdraw their children from the activity or from the class or program in
19 which the material is used. Objection to a learning material or activity on
20 the basis that ~~it~~ THE MATERIAL OR ACTIVITY is harmful includes objection to
21 ~~a~~ THE material or activity because it questions beliefs or practices in
22 sex, morality or religion.

23 4. If a school district offers any sex education curricula pursuant
24 to section 15-711 or 15-716 or pursuant to any rules adopted by the state
25 board of education, procedures to prohibit ~~a~~ THE school district from

1 providing sex education instruction to a pupil unless the pupil's parent
2 provides written permission for the child to participate in the sex
3 education curricula.

4 5. Procedures by which parents will be notified in advance of and
5 given the opportunity to ~~withdraw~~ OPT their children ~~from~~ IN TO any
6 instruction, LEARNING MATERIALS or presentations regarding sexuality, in
7 courses other than formal sex education curricula.

8 6. Procedures by which parents may learn about the nature and
9 purpose of clubs and activities that are part of the school curriculum,
10 extracurricular clubs and activities that have been approved by the school.

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

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

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

16 (c) The right to opt out of assignments pursuant to this section.

17 (d) The right to opt out of immunizations pursuant to section
18 15-873.

19 (e) The promotion requirements prescribed in section 15-701.

20 (f) The minimum course of study and competency requirements for
21 graduation from high school prescribed in section 15-701.01.

22 (g) The right to opt out of instruction on ~~the~~ acquired immune
23 deficiency syndrome pursuant to section 15-716.

24 (h) The right to review test results pursuant to section 15-743.

25 (i) The right to participate in gifted programs pursuant to section
26 15-779.01.

27 (j) The right to access instructional materials pursuant to section
28 15-730.

29 (k) The right to receive a school report card pursuant to section
30 15-746.

31 (l) The attendance requirements prescribed in sections 15-802,
32 15-803 and 15-821.

1 (m) The right to public review of courses of study and textbooks
2 pursuant to sections 15-721 and 15-722.

3 (n) The right to be excused from school attendance for religious
4 purposes pursuant to section 15-806.

5 (o) Policies related to parental involvement pursuant to this
6 section.

7 (p) The right to seek membership on school councils pursuant to
8 section 15-351.

9 (q) Information about the student accountability information system
10 as prescribed in section 15-1041.

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

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

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

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

20 (b) The parent's right to inspect the school district policies and
21 curriculum.

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

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

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

27 5. ~~The promotion of~~ PROMOTING communication between the school and
28 parents concerning school programs and the academic progress of the
29 parents' 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~~ RECOGNIZING the diversity of parents and ~~the~~
6 ~~development of~~ DEVELOPING guidelines that promote widespread parental
7 participation and involvement in the school at various levels.

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

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

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

3 Sec. 2. Section 15-113, Arizona Revised Statutes, is amended to
4 read:

5 15-113. Rights of parents; public educational institutions;
6 definitions

7 A. A parent of a student in a public educational institution has the
8 right to review learning materials and activities in advance. A parent who
9 objects to any learning material or activity on the basis that the material
10 or activity is harmful may request to withdraw that PARENT'S student from
11 the activity or from the class or program in which the material is used and
12 request an alternative assignment.

13 B. A charter school may require parents to waive the right to object
14 to learning materials or activities pursuant to subsection A OF THIS
15 SECTION as a condition of enrollment if the charter school provides a
16 complete list of books and materials to be used each school year before the
17 student enrolls. If the charter school introduces books or materials that
18 were not disclosed prior to enrollment, the parent retains the right to
19 object to those materials pursuant to subsection A OF THIS SECTION.

20 C. A charter school may require that any request to review learning
21 materials or activities or to withdraw the student from learning materials
22 or activities pursuant to subsection A OF THIS SECTION be made in writing.

23 D. A public educational institution shall obtain signed, written
24 consent from a student's parent or guardian before DOING EITHER OF THE
25 FOLLOWING:

26 1. Using video, audio or electronic materials that may be
27 inappropriate for the age of the student.

28 2. PROVIDING SEX EDUCATION INSTRUCTION TO THE STUDENT. AT THE SAME
29 TIME THE PUBLIC EDUCATIONAL INSTITUTION SEEKS CONSENT, IT SHALL INFORM THE
30 STUDENT'S PARENT OR GUARDIAN OF THE PARENT'S OR GUARDIAN'S RIGHT TO REVIEW
31 THE INSTRUCTIONAL MATERIALS AND ACTIVITIES.

32 E. For the purposes of this section:

1 1. "Objects to any learning material or activity on the basis that
2 ~~it~~ THE MATERIAL OR ACTIVITY is harmful" means ~~objections~~ OBJECTING to
3 ~~a~~ THE material or activity because of sexual content, violent content,~~;~~ or
4 profane or vulgar language.

5 2. "Public educational institution" means any of the following:

6 (a) A school district, including its schools.

7 (b) A charter school.

8 (c) An accommodation school.

9 (d) The Arizona state schools for the deaf and the blind.

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

12 15-711. Sex education instruction; minimum grade; parental
13 review of curricula; sexual conduct with a minor;
14 review and approval of course of study; public
15 hearings and input

16 A. SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY NOT PROVIDE SEX
17 EDUCATION INSTRUCTION BEFORE GRADE FIVE.

18 B. BEFORE A PARENT PROVIDES WRITTEN PERMISSION FOR THE PARENT'S
19 CHILD TO PARTICIPATE IN ANY SEX EDUCATION CURRICULA, THE SCHOOL DISTRICT OR
20 CHARTER SCHOOL SHALL MAKE THE SEX EDUCATION CURRICULA AVAILABLE FOR THE
21 PARENT'S REVIEW ONLINE AND IN PERSON PURSUANT TO SECTION 15-102,
22 SUBSECTION A, PARAGRAPH 2. THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL
23 NOTIFY PARENTS WHERE THE SEX EDUCATION CURRICULA ARE AVAILABLE FOR REVIEW
24 AT LEAST TWO WEEKS BEFORE ANY INSTRUCTION IS OFFERED PURSUANT TO THIS
25 SECTION.

26 C. ~~At~~ EACH school ~~districts~~ DISTRICT OR CHARTER SCHOOL with
27 existing sex education curricula shall include instruction on the laws
28 relating to sexual conduct with a minor for pupils in grades seven, eight,
29 nine, ten, eleven and twelve.

30 D. Each school district OR CHARTER SCHOOL may develop its own SEX
31 EDUCATION COURSE OF STUDY OR ADOPT AN EXISTING SEX EDUCATION course of
32 study to meet the requirements of this section.

1 E. BEFORE A SCHOOL DISTRICT OR CHARTER SCHOOL OFFERS SEX EDUCATION
2 INSTRUCTION, THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL
3 GOVERNING BODY SHALL REVIEW AND APPROVE THE SEX EDUCATION COURSE OF STUDY
4 THAT IS DEVELOPED, ADOPTED, REVISED OR UPDATED PURSUANT TO THIS SECTION.
5 THE GOVERNING BOARD OR GOVERNING BODY:

6 1. SHALL PROVIDE PARENTS WITH A MEANINGFUL OPPORTUNITY TO
7 PARTICIPATE IN, REVIEW AND PROVIDE INPUT ON ANY PROPOSED SEX EDUCATION
8 COURSE OF STUDY BEFORE IT IS ADOPTED.

9 2. MAY NOT APPROVE A COURSE OF STUDY UNLESS IT COMPLIES WITH THIS
10 SECTION.

11 F. BEFORE APPROVING ANY SEX EDUCATION COURSE OF STUDY DEVELOPED,
12 ADOPTED, REVISED OR UPDATED PURSUANT TO THIS SECTION, THE SCHOOL DISTRICT
13 GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY SHALL DO ALL OF THE
14 FOLLOWING:

15 1. REQUIRE THAT ALL MEETINGS OF COMMITTEES THAT ARE AUTHORIZED FOR
16 THE PURPOSES OF REVIEWING AND SELECTING THE SEX EDUCATION COURSE OF STUDY
17 BE PUBLICLY NOTICED AT LEAST TWO WEEKS BEFORE OCCURRING AND BE OPEN TO THE
18 PUBLIC PURSUANT TO TITLE 38, CHAPTER 3, ARTICLE 3.1.

19 2. MAKE ANY PROPOSED SEX EDUCATION COURSE OF STUDY AVAILABLE AND
20 ACCESSIBLE FOR REVIEW AND PUBLIC COMMENT FOR AT LEAST SIXTY DAYS BEFORE THE
21 GOVERNING BOARD OR GOVERNING BODY DECIDES WHETHER TO APPROVE THAT COURSE OF
22 STUDY.

23 3. CONDUCT AT LEAST TWO PUBLIC HEARINGS WITHIN THE SIXTY-DAY PERIOD
24 BEFORE THE GOVERNING BOARD OR GOVERNING BODY DECIDES WHETHER TO APPROVE ANY
25 COURSE OF STUDY. PUBLIC COMMENT MAY INCLUDE WRITTEN COMMENTS, ORAL
26 COMMENTS AND COMMENTS SUBMITTED THROUGH EMAIL.

27 G. A SCHOOL DISTRICT OR CHARTER SCHOOL IS NOT REQUIRED TO PROVIDE
28 SEX EDUCATION INSTRUCTION TO PUPILS. IF A SCHOOL DISTRICT OR CHARTER
29 SCHOOL DECIDES TO PROVIDE SEX EDUCATION INSTRUCTION AFTER SCHOOL HOURS,
30 THIS SECTION AND SECTION 15-102 APPLY.

