

REFERENCE TITLE: sex education; parental consent; schools

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2184

Introduced by
Representatives Blackman: Barton, Bolick, Carroll, Payne, Roberts

AN ACT

AMENDING SECTIONS 15-102, 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 15-102, Arizona Revised Statutes, is amended to
3 read:

4 15-102. Parental involvement in the school; definitions

5 A. ~~The~~ EACH SCHOOL DISTRICT governing board, in consultation with
6 parents, teachers and administrators, shall develop and adopt a policy to
7 promote the involvement of parents and guardians of children enrolled in
8 the schools 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~~ WHICH INCLUDE
15 the ~~source~~ INSTRUCTIONAL MATERIALS USED BY A TEACHER AND ANY MATERIALS
16 USED BY PUPILS AND THE SOURCES of THOSE MATERIALS AND any supplemental
17 educational materials.

18 3. Procedures by which parents who object to any learning material
19 or activity on the basis that it is harmful may withdraw their children
20 from the activity or from the class or program in which the material is
21 used. Objection to a learning material or activity on the basis that it is
22 harmful includes objection to a material or activity because it questions
23 beliefs or practices in sex, morality or religion.

24 4. If a school district offers any sex education curricula pursuant
25 to section 15-711 or 15-716 or pursuant to any rules adopted by the state
26 board of education, procedures to prohibit ~~a~~ THE school district from
27 providing sex education instruction to a pupil unless the pupil's parent
28 provides written permission for the ~~child~~ PUPIL to participate in the sex
29 education curricula. IN SEEKING WRITTEN PERMISSION FROM THE PUPIL'S
30 PARENT PURSUANT TO THIS PARAGRAPH, THE SCHOOL DISTRICT SHALL MAKE ALL SEX
31 EDUCATION CURRICULA AVAILABLE FOR THE PUPIL'S PARENT TO REVIEW BEFORE THE
32 PARENT PROVIDES WRITTEN PERMISSION.

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

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

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

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

45 (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 A POLICY TO
- 33 PROHIBIT THE CHARTER SCHOOL FROM PROVIDING SEX EDUCATION INSTRUCTION TO A
- 34 PUPIL IF THE CHARTER SCHOOL OFFERS ANY SEX EDUCATION CURRICULA PURSUANT TO
- 35 SECTION 15-711 OR 15-716 OR PURSUANT TO ANY RULES ADOPTED BY THE STATE
- 36 BOARD OF EDUCATION UNLESS THE PUPIL'S PARENT PROVIDES WRITTEN PERMISSION
- 37 FOR THE PUPIL TO PARTICIPATE IN THE SEX EDUCATION CURRICULA. IN SEEKING
- 38 WRITTEN PERMISSION FROM THE PUPIL'S PARENT PURSUANT TO THIS SUBSECTION,
- 39 THE CHARTER SCHOOL SHALL MAKE ALL SEX EDUCATION CURRICULA AVAILABLE FOR
- 40 THE PUPIL'S PARENT TO REVIEW BEFORE THE PARENT PROVIDES WRITTEN
- 41 PERMISSION.
- 42 ~~B. C. The policy~~ POLICIES adopted by ~~the~~ SCHOOL DISTRICT governing
- 43 ~~board~~ BOARDS OR CHARTER SCHOOL GOVERNING BODIES pursuant to this section
- 44 may also include the following components:

- 1 1. A plan by which parents will be made aware of the SCHOOL
2 district's OR CHARTER SCHOOL'S parental involvement policy and this
3 section, including:
- 4 (a) Rights under the family educational rights and privacy act of
5 1974 (20 United States Code section 1232g) relating to access to
6 children's official records.
- 7 (b) The parent's right to inspect the school district OR CHARTER
8 SCHOOL policies and curriculum.
- 9 2. Efforts to encourage the development of parenting skills.
- 10 3. ~~The communication~~ COMMUNICATING to parents ~~of~~ techniques THAT
11 ARE designed to assist the child's learning experience in the home.
- 12 4. Efforts to encourage access to community and support services
13 for children and families.
- 14 5. ~~The promotion of~~ PROMOTING communication between the school and
15 parents concerning school programs and the academic progress of the
16 parents' children.
- 17 6. Identifying opportunities for parents to participate in and
18 support classroom instruction at the school.
- 19 7. Efforts to support, with appropriate training, parents as shared
20 decision-makers and to encourage membership on school councils.
- 21 8. ~~The recognition of~~ RECOGNIZING the diversity of parents and ~~the~~
22 ~~development of~~ DEVELOPING guidelines that promote widespread parental
23 participation and involvement in the school at various levels.
- 24 9. ~~The development of~~ DEVELOPING preparation programs and
25 specialized courses for certificated employees and administrators that
26 promote parental involvement.
- 27 10. ~~The development of~~ DEVELOPING strategies and programmatic
28 structures at schools to encourage and enable parents to participate
29 actively in their children's education.
- 30 ~~C.~~ D. The SCHOOL DISTRICT governing board BOARDS OR CHARTER SCHOOL
31 GOVERNING BODIES may adopt a policy to provide to parents the information
32 required by this section in an electronic form.
- 33 ~~D.~~ E. A parent shall submit a written request for information
34 pursuant to this section during regular business hours to either the
35 school principal at the school site or the superintendent of the school
36 district at the office of the school district. Within ten days after
37 receiving the request for information, the school principal or the
38 superintendent of the school district shall either deliver the requested
39 information to the parent or submit to the parent a written explanation of
40 the reasons for ~~the denial of~~ DENYING the requested information. If the
41 request for information is denied or the parent does not receive the
42 requested information within fifteen days after submitting the request for
43 information, the parent may submit a written request for the information
44 to the school district governing board OR CHARTER SCHOOL GOVERNING BODY,
45 which shall formally consider the request at the next scheduled public

1 meeting of the governing board OR GOVERNING BODY if the request can be
2 properly noticed on the agenda. If the request cannot be properly noticed
3 on the agenda, the SCHOOL DISTRICT governing board OR CHARTER SCHOOL
4 GOVERNING BODY shall formally consider the request at the next subsequent
5 public meeting of the governing board OR GOVERNING BODY.

6 ~~F.~~ F. For the purposes of this section: ~~;~~

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

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

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

16 15-711. Sex education; sexual conduct with minors; course of
17 study; requirements; definition

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

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

27 C. BEFORE APPROVING ANY SEX EDUCATION COURSE OF STUDY DEVELOPED,
28 ADOPTED, REVISED OR UPDATED PURSUANT TO THIS SECTION AND SECTION 15-716,
29 THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY SHALL
30 DO BOTH OF THE FOLLOWING:

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

35 2. MAKE ANY PROPOSED SEX EDUCATION COURSE OF STUDY AVAILABLE AND
36 ACCESSIBLE FOR REVIEW AND PUBLIC COMMENT FOR AT LEAST SIXTY DAYS AND
37 CONDUCT AT LEAST TWO PUBLIC HEARINGS WITHIN THE SIXTY DAYS BEFORE THE
38 SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY DECIDES
39 WHETHER TO APPROVE ANY COURSE OF STUDY. PUBLIC COMMENT MAY INCLUDE
40 WRITTEN COMMENTS, ORAL COMMENTS AND COMMENTS SUBMITTED THROUGH EMAIL.

41 D. SCHOOL DISTRICTS AND CHARTER SCHOOLS ARE NOT REQUIRED TO PROVIDE
42 SEX EDUCATION INSTRUCTION TO PUPILS. IF A SCHOOL DISTRICT OR CHARTER
43 SCHOOL DECIDES TO PROVIDE SEX EDUCATION INSTRUCTION AFTER SCHOOL HOURS,
44 THIS SECTION AND SECTIONS 15-102 AND 15-716 APPLY.

1 E. FOR THE PURPOSES OF THIS SECTION, "SEX EDUCATION" HAS THE SAME
2 MEANING PRESCRIBED IN SECTION 15-102.

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

5 15-716. Instruction on sex education, HIV and AIDS; parental
6 permission; definition

7 ~~A. Each common, high and unified school district may provide~~
8 ~~instruction to pupils in kindergarten programs and grades one through~~
9 ~~twelve on acquired immune deficiency syndrome and the human~~
10 ~~immunodeficiency virus.~~

11 A. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT PROVIDE SEX
12 EDUCATION INSTRUCTION, INCLUDING INSTRUCTION ON ACQUIRED IMMUNE DEFICIENCY
13 SYNDROME AND THE HUMAN IMMUNODEFICIENCY VIRUS, TO A PUPIL BEFORE THE SIXTH
14 GRADE. THIS SUBSECTION DOES NOT PROHIBIT A SCHOOL DISTRICT OR CHARTER
15 SCHOOL FROM PROVIDING HEALTH INSTRUCTION, INCLUDING INSTRUCTION ON
16 PERSONAL SAFETY AND INSTRUCTION IN ARIZONA HEALTH STANDARDS, TO PUPILS IN
17 KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH FIVE.

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

- 21 1. Be appropriate to the grade level in which it is offered.
- 22 2. Be medically accurate.
- 23 3. Promote abstinence.
- 24 4. Discourage drug abuse.
- 25 5. Dispel myths regarding transmission of the human
- 26 immunodeficiency virus.

27 C. ANY SEX EDUCATION INSTRUCTION MAY NOT VIOLATE SECTION 13-1405 OR
28 13-3506.

29 ~~D.~~ D. At the request of a school district OR CHARTER SCHOOL, the
30 department of health services or the department of education shall review
31 SEX EDUCATION instruction materials to determine their medical accuracy.

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

- 34 ~~1. A suggested course of study.~~
- 35 ~~2. Teacher training.~~
- 36 ~~3. A list of available films and other teaching aids.~~

37 ~~E.~~ ~~At the request of a parent, a pupil shall be excused from~~
38 ~~instruction on the acquired immune deficiency syndrome and the human~~
39 ~~immunodeficiency virus as provided in subsection A of this section. The~~
40 ~~school district shall provide a description of the course curriculum to~~
41 ~~all parents and notify all parents of their ability to withdraw their~~
42 ~~child from the instruction.~~

43 E. EACH SCHOOL DISTRICT AND CHARTER SCHOOL THAT PROVIDES SEX
44 EDUCATION INSTRUCTION, INCLUDING INSTRUCTION ON ACQUIRED IMMUNE DEFICIENCY
45 SYNDROME AND THE HUMAN IMMUNODEFICIENCY VIRUS, SHALL NOTIFY THE PARENTS OF

1 ALL PUPILS WHO WILL RECEIVE THE INSTRUCTION ABOUT THE COURSE OF STUDY IN
2 ACCORDANCE WITH SECTION 15-102, SUBSECTION A, PARAGRAPH 4 AND SUBSECTION B
3 AND SHALL PROVIDE COURSE MATERIALS FOR PARENTAL REVIEW AT AN ACCESSIBLE
4 LOCATION AT LEAST TWO WEEKS BEFORE THE BEGINNING OF THE SEX EDUCATION
5 INSTRUCTION. A PUPIL SHALL BE EXCUSED FROM THE SEX EDUCATION INSTRUCTION,
6 INCLUDING INSTRUCTION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME AND THE HUMAN
7 IMMUNODEFICIENCY VIRUS, UNLESS THE PUPIL'S PARENT PROVIDES WRITTEN
8 PERMISSION FOR THE PUPIL TO PARTICIPATE.

9 F. FOR THE PURPOSES OF THIS SECTION, "SEX EDUCATION" HAS THE SAME
10 MEANING PRESCRIBED IN SECTION 15-102.

11 Sec. 4. Existing sex education instruction; review and
12 revision; delayed repeal

13 A. On or before December 15, 2021, each school district or charter
14 school that offers any sex education instruction, including instruction on
15 acquired immune deficiency syndrome and the human immunodeficiency virus,
16 shall review its course of study and revise it, if necessary, to comply
17 with sections 15-711 and 15-716, Arizona Revised Statutes, as amended by
18 this act.

19 B. This section is repealed from and after December 31, 2021.