

REFERENCE TITLE: **schools; sex education instruction.**

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

HB 2647

Introduced by
Representatives Hernandez D: Bolding, Cano, Dalessandro, Fernandez,
Hernandez A, Hernandez M, Jermaine, Longdon, Meza, Rodriguez, Salman,
Stahl Hamilton, Terán, Senator Mendez

AN ACT

**AMENDING SECTIONS 15-102 AND 15-711, 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~~ EACH SCHOOL DISTRICT governing board AND CHARTER SCHOOL
6 GOVERNING BODY, in consultation with parents, teachers and administrators,
7 shall develop and adopt a policy to promote the involvement of parents and
8 guardians of children enrolled in the schools within the school district
9 OR THE CHARTER SCHOOL, including:

10 1. A plan for parent participation in the schools OR CHARTER SCHOOL
11 that is designed to improve parent and teacher cooperation in such areas
12 as homework, attendance and discipline. The plan shall provide for ~~the~~
13 ~~administration of~~ ADMINISTERING a parent-teacher satisfaction survey.

14 2. Procedures by which parents may learn about the course of study
15 for their children and review learning materials, including the source of
16 any supplemental educational materials.

17 3. Procedures by which parents who object to any learning material
18 or activity on the basis that it is harmful may withdraw their children
19 from the activity or from the class or program in which the material is
20 used. Objection to a learning material or activity on the basis that it is
21 harmful includes objection to a material or activity because it questions
22 beliefs or practices in 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~~ ALLOW THE school district
26 ~~from providing~~ OR CHARTER SCHOOL TO PROVIDE sex education instruction to a
27 pupil unless the pupil's parent provides written permission for the child
28 to NOT participate in the sex education ~~curricula~~ INSTRUCTION.

29 5. Procedures by which parents will be notified in advance of and
30 given the opportunity to withdraw their children from any instruction or
31 presentations regarding sexuality in courses other than formal sex
32 education curricula.

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

37 7. Procedures by which parents may learn about parental rights and
38 responsibilities under the laws of this state, including the following, AS
39 APPLICABLE:

40 (a) The right to opt ~~in to a~~ OUT OF sex education ~~curriculum if one~~
41 ~~is provided by the school district~~ INSTRUCTION AS PROVIDED IN SECTION
42 15-711.

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

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

- 1 (d) The right to opt out of immunizations pursuant to section
2 15-873.
- 3 (e) The promotion requirements prescribed in section 15-701.
- 4 (f) The minimum course of study and competency requirements for
5 graduation from high school prescribed in section 15-701.01.
- 6 (g) The right to opt out of instruction on the acquired immune
7 deficiency syndrome pursuant to section 15-716.
- 8 (h) The right to review test results pursuant to section 15-743.
- 9 (i) The right to participate in gifted programs pursuant to section
10 15-779.01.
- 11 (j) The right to access instructional materials pursuant to section
12 15-730.
- 13 (k) The right to receive a school report card pursuant to section
14 15-746.
- 15 (l) The attendance requirements prescribed in sections 15-802,
16 15-803 and 15-821.
- 17 (m) The right to public review of courses of study and textbooks
18 pursuant to sections 15-721 and 15-722.
- 19 (n) The right to be excused from school attendance for religious
20 purposes pursuant to section 15-806.
- 21 (o) Policies related to parental involvement pursuant to this
22 section.
- 23 (p) The right to seek membership on school councils pursuant to
24 section 15-351.
- 25 (q) Information about the student accountability information system
26 as prescribed in section 15-1041.
- 27 (r) The right to access the failing schools tutoring fund pursuant
28 to section 15-241.
- 29 B. The policy adopted by the governing board **OR GOVERNING BODY**
30 pursuant to this section may also include the following components:
- 31 1. A plan by which parents will be made aware of the **SCHOOL**
32 district's **OR CHARTER SCHOOL'S** parental involvement policy and this
33 section, including:
- 34 (a) Rights under the family educational rights and privacy act of
35 1974 (20 United States Code section 1232g) relating to access to
36 children's official records.
- 37 (b) The parent's right to inspect the school district **OR CHARTER**
38 **SCHOOL** policies and curriculum.
- 39 2. Efforts to encourage the development of parenting skills.
- 40 3. ~~The communication~~ **COMMUNICATING** to parents ~~of~~ techniques **THAT**
41 **ARE** designed to assist the child's learning experience in the home.
- 42 4. Efforts to encourage access to community and support services
43 for children and families.

1 5. ~~The promotion of~~ PROMOTING communication between the school and
2 parents concerning school programs and the academic progress of the
3 parents' children.

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

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

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

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

14 10. ~~The development of~~ DEVELOPING strategies and programmatic
15 structures at ~~schools~~ THE SCHOOL DISTRICT OR THE CHARTER SCHOOL to
16 encourage and enable parents to participate actively in their children's
17 education.

18 C. The governing board OR GOVERNING BODY may adopt a policy to
19 provide to parents the information required by this section in an
20 electronic form.

21 D. A parent shall submit a written request for information pursuant
22 to this section during regular business hours to either the school
23 principal at the school site or the superintendent of the school district
24 OR THE CHIEF ADMINISTRATOR OF THE CHARTER SCHOOL at the office of the
25 school district OR THE CHARTER SCHOOL. Within ten days after receiving
26 the request for information, the school principal, ~~or~~ the superintendent
27 of the school district OR THE CHIEF ADMINISTRATOR OF THE CHARTER SCHOOL
28 shall either deliver the requested information to the parent or submit to
29 the parent a written explanation of the reasons for ~~the denial of~~ DENYING
30 the requested information. If the request for information is denied or
31 the parent does not receive the requested information within fifteen days
32 after submitting the request for information, the parent may ~~submit a~~
33 ~~written~~ request ~~for~~ the information ~~to~~ IN WRITING FROM the school district
34 governing board OR CHARTER SCHOOL GOVERNING BODY, which shall formally
35 consider the request at the next scheduled public meeting of the governing
36 board OR GOVERNING BODY if the request can be properly noticed on the
37 agenda. If the request cannot be properly noticed on the agenda, the
38 governing board OR GOVERNING BODY shall formally consider the request at
39 the next subsequent public meeting of the governing board OR GOVERNING
40 BODY.

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

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

3 15-711. Sex education; instruction; requirements; rules;
4 definitions

5 A. All school districts ~~with existing sex education curricula~~ AND
6 CHARTER SCHOOLS shall:

7 1. PROVIDE SEX EDUCATION INSTRUCTION THAT IS MEDICALLY ACCURATE AND
8 AGE-APPROPRIATE FOR PUPILS WHO ARE IN KINDERGARTEN PROGRAMS AND GRADES ONE
9 THROUGH TWELVE.

10 2. Include instruction on the laws relating to sexual conduct with
11 a minor for pupils in grades seven, eight, nine, ten, eleven and twelve.
12 Each school district OR CHARTER SCHOOL may develop its own course of study
13 to meet the requirements of this ~~section~~ PARAGRAPH.

14 B. SEX EDUCATION INSTRUCTION SHALL:

15 1. HELP PUPILS GAIN KNOWLEDGE ABOUT THE PHYSICAL, SOCIAL AND
16 EMOTIONAL CHANGES OF ADOLESCENCE AND SUBSEQUENT STAGES OF HUMAN
17 MATURATION, INCLUDING HOW PREGNANCY OCCURS.

18 2. HELP PUPILS DEVELOP SKILLS IN CRITICAL THINKING, PROBLEM
19 SOLVING, DECISION-MAKING AND STRESS MANAGEMENT IN ORDER TO MAKE HEALTHY
20 DECISIONS ABOUT SEXUALITY AND RELATIONSHIPS.

21 3. ENCOURAGE PUPILS TO COMMUNICATE WITH THEIR PARENTS AND
22 GUARDIANS, HEALTH CARE AND SOCIAL SERVICE PROFESSIONALS AND OTHER TRUSTED
23 ADULTS ABOUT SEXUALITY AND INTIMATE RELATIONS.

24 4. DISCUSS THE PERCEPTION PUPILS HAVE OF THEIR BODIES, EMOTIONS AND
25 BEHAVIORS.

26 5. DESCRIBE PERSONAL BOUNDARIES, CONSENT AND THE RIGHT TO PRIVACY,
27 INCLUDING IDENTIFYING RESOURCES WHERE VICTIMS OF SEXUAL ABUSE CAN FIND
28 HELP AND SUPPORT.

29 6. DISCUSS POPULATIONS THAT HISTORICALLY HAVE BEEN MORE VULNERABLE
30 TO SEXUAL ABUSE AND ASSAULT, SUCH AS THE LESBIAN, GAY, BISEXUAL,
31 TRANSGENDER AND QUESTIONING COMMUNITY AND THE DISABILITY COMMUNITY, AND
32 PROVIDE TOOLS FOR PUPILS TO USE TO SUPPORT AND BE ALLIES FOR ONE ANOTHER.
33 WHEN DISCUSSING CONSENT, SEX EDUCATION INSTRUCTION SHALL DESCRIBE THE
34 CONCEPT OF CAPACITY TO CONSENT AND HOW THAT CAPACITY IS IMPACTED BY
35 FACTORS SUCH AS AGE AND DISABILITY.

36 7. HELP PUPILS DEVELOP RELATIONSHIP AND COMMUNICATION SKILLS TO
37 FORM HEALTHY AND POSITIVE RELATIONSHIPS WITH AN EMPHASIS ON AFFIRMATIVE
38 CONSENT.

39 C. SEX EDUCATION INSTRUCTION FOR PUPILS IN GRADES SIX THROUGH
40 TWELVE SHALL STRESS THE IMPORTANCE OF USING EFFECTIVE METHODS OF
41 CONTRACEPTION, INCLUDING HORMONAL CONTRACEPTIVES, ABSTINENCE AND BARRIER
42 METHODS TO PREVENT UNINTENDED PREGNANCY AND TO PROTECT AGAINST SEXUALLY
43 TRANSMITTED INFECTIONS, INCLUDING THE HUMAN IMMUNODEFICIENCY VIRUS AND
44 ACQUIRED IMMUNODEFICIENCY SYNDROME.

1 D. SEX EDUCATION INSTRUCTION MAY NOT DISCRIMINATE ON THE BASIS OF
2 SEX, RACE, ETHNICITY, NATIONAL ORIGIN, DISABILITY, RELIGION, SEXUAL
3 ORIENTATION, GENDER EXPRESSION OR GENDER IDENTITY.

4 E. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL PROVIDE SEX EDUCATION
5 INSTRUCTION TO ALL PUPILS, REGARDLESS OF SEX, RACE, ETHNICITY, NATIONAL
6 ORIGIN, DISABILITY, RELIGION, SEXUAL ORIENTATION, GENDER EXPRESSION OR
7 GENDER IDENTITY. A PUPIL WHO IS IDENTIFIED AS A PUPIL WITH A DISABILITY
8 AND WHO RECEIVES SPECIAL EDUCATION OR RELATED SERVICES IN ACCORDANCE WITH
9 THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (P.L. 91-230; 84 STAT. 175
10 TO 188) OR SECTION 504 OF THE REHABILITATION ACT OF 1973 (P.L. 93-112; 87
11 STAT. 355) MAY PARTICIPATE IN THE SAME SEX EDUCATION INSTRUCTION AS THE
12 PUPIL'S PEERS WHO DO NOT HAVE DISABILITIES, WITH ANY ACCOMMODATIONS OR
13 MODIFICATIONS AS IDENTIFIED IN THE PUPIL'S INDIVIDUALIZED EDUCATION
14 PROGRAM OR SECTION 504 PLAN AS DEFINED IN SECTION 15-731 AND ANY
15 ACCOMMODATIONS OR MODIFICATIONS THAT ARE NECESSARY TO MAKE THE SEX
16 EDUCATION INSTRUCTION APPROPRIATE FOR THE PUPIL'S DEVELOPMENTAL AND
17 COGNITIVE LEVELS.

18 F. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL MAKE SEX EDUCATION
19 INSTRUCTION MATERIALS AVAILABLE FOR PARENTAL REVIEW AS PROVIDED IN SECTION
20 15-102.

21 G. A PUPIL MAY BE EXCUSED FROM ANY PART OF THE INSTRUCTION PROVIDED
22 IN ACCORDANCE WITH THIS SECTION ONLY AT THE WRITTEN REQUEST OF THE PUPIL'S
23 PARENT OR GUARDIAN.

24 H. A PUPIL IS NOT SUBJECT TO DISCIPLINARY ACTION, AN ACADEMIC
25 PENALTY OR ANY OTHER SANCTION IF THE PUPIL'S PARENT OR GUARDIAN REQUESTS
26 THAT THE PUPIL NOT RECEIVE THE INSTRUCTION PROVIDED UNDER THIS SECTION.

27 I. EACH SCHOOL DISTRICT GOVERNING BOARD AND CHARTER SCHOOL
28 GOVERNING BODY SHALL BOTH:

29 1. DEVELOP AND MAINTAIN A CURRENT LIST OF SEX EDUCATION INSTRUCTION
30 MATERIALS THAT ARE CONSISTENT WITH THIS SECTION AND MAKE THIS LIST
31 AVAILABLE TO THE PUBLIC.

32 2. DEVELOP GUIDANCE FOR INSTRUCTORS ON ANSWERING PUPIL QUESTIONS IN
33 A MEDICALLY ACCURATE AND EVIDENCE-BASED MANNER.

34 J. THE STATE BOARD OF EDUCATION SHALL DESIGNATE MINIMUM EDUCATION
35 AND TRAINING QUALIFICATIONS FOR SEX EDUCATION INSTRUCTORS.

36 K. THE STATE BOARD OF EDUCATION MAY ADOPT RULES PURSUANT TO TITLE
37 41, CHAPTER 6 THAT PRESCRIBE PROCEDURES TO ENFORCE THIS SECTION, INCLUDING
38 PROCEDURES TO INITIATE A COMPLAINT FOR A VIOLATION OF THIS SECTION AND TO
39 APPEAL A FINAL DETERMINATION BY THE STATE BOARD.

40 L. FOR THE PURPOSES OF THIS SECTION:

41 1. "AGE-APPROPRIATE" MEANS THAT TOPICS, MESSAGES AND TEACHING
42 METHODS ARE SUITABLE TO PARTICULAR AGE AND DEVELOPMENTAL LEVELS BASED ON
43 THE COGNITIVE, EMOTIONAL AND SOCIAL LEVELS OF MOST PUPILS AT THAT AGE
44 LEVEL.

1 2. "MEDICALLY ACCURATE" MEANS THAT INFORMATION IS SUPPORTED BY
2 PEER-REVIEWED RESEARCH CONDUCTED IN COMPLIANCE WITH ACCEPTED SCIENTIFIC
3 METHODS, IS RECOGNIZED AS ACCURATE AND OBJECTIVE BY LEADING MEDICAL,
4 PSYCHOLOGICAL, PSYCHIATRIC AND PUBLIC HEALTH ORGANIZATIONS AND AGENCIES
5 AND, IF RELEVANT, IS PUBLISHED IN PEER-REVIEWED SCIENTIFIC JOURNALS.

6 Sec. 3. Short title

7 This act may be cited as the "Safe and Healthy Students Act".