

Senate Engrossed

sex education instruction; parental rights

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

# SENATE BILL 1456

AN ACT

AMENDING SECTIONS 15-102, 15-113, 15-711 AND 15-716, 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 governing board, in consultation with parents, teachers and  
6 administrators, shall develop and adopt a policy to promote the  
7 involvement of parents and guardians of children enrolled in the schools  
8 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 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  
20 on the basis that ~~it~~ THE MATERIAL OR ACTIVITY is harmful includes  
21 objection to a material or activity because it questions beliefs or  
22 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~~ THE school district from  
26 providing sex education instruction to a pupil unless the pupil's parent  
27 provides written permission for the child to participate in the sex  
28 education curricula.

29 5. Procedures by which parents will be notified in advance of and  
30 given the opportunity to ~~withdraw~~ OPT their children ~~from~~ IN TO any  
31 instruction, LEARNING MATERIALS or presentations regarding sexuality,  
32 GENDER IDENTITY OR GENDER EXPRESSION in courses other than formal sex  
33 education curricula.

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

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

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

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

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

44 (d) The right to opt out of immunizations pursuant to section  
45 15-873.

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

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

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

37          15-113. Rights of parents; public educational institutions;  
38 definitions

39          A. A parent of a student in a public educational institution has  
40 the right to review learning materials and activities in advance. A  
41 parent who objects to any learning material or activity on the basis that  
42 the material or activity is harmful may request to withdraw that PARENT'S  
43 student from the activity or from the class or program in which the  
44 material is used and request an alternative assignment.

1 B. A charter school may require parents to waive the right to  
2 object to learning materials or activities pursuant to subsection A OF  
3 THIS SECTION as a condition of enrollment if the charter school provides a  
4 complete list of books and materials to be used each school year before  
5 the student enrolls. If the charter school introduces books or materials  
6 that were not disclosed prior to enrollment, the parent retains the right  
7 to object to those materials pursuant to subsection A OF THIS SECTION.

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

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

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

16 2. PROVIDING SEX EDUCATION INSTRUCTION OR INSTRUCTION REGARDING  
17 SEXUAL ORIENTATION, GENDER IDENTITY, OR GENDER EXPRESSION TO THE STUDENT.  
18 WHEN THE PUBLIC EDUCATIONAL INSTITUTION SEEKS CONSENT, IT SHALL AT THE  
19 SAME TIME INFORM THE STUDENT'S PARENT OR GUARDIAN OF THE PARENT OR  
20 GUARDIAN'S RIGHT TO REVIEW THE INSTRUCTIONAL MATERIALS AND ACTIVITIES.

21 E. For the purposes of this section:

22 1. "Objects to any learning material or activity on the basis that  
23 ~~it~~ THE MATERIAL OR ACTIVITY is harmful" means ~~objections~~ OBJECTING to a  
24 material or activity because of ~~sexual content,~~ violent content, or  
25 profane or vulgar language OR BECAUSE A MATERIAL OR ACTIVITY QUESTIONS  
26 BELIEFS REGARDING OR PRACTICES IN SEX, MORALITY OR RELIGION.

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

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

29 (b) A charter school.

30 (c) An accommodation school.

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

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

34 15-711. Sex education instruction; minimum grade; review and  
35 approval of materials; sexual conduct with a minor

36 A. SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY NOT PROVIDE SEX  
37 EDUCATION INSTRUCTION, INCLUDING INSTRUCTION PURSUANT TO SECTION 15-716,  
38 BEFORE GRADE FIVE.

39 B. BEFORE A PARENT PROVIDES WRITTEN PERMISSION FOR THE PARENT'S  
40 CHILD TO PARTICIPATE IN ANY SEX EDUCATION CURRICULA, INCLUDING CURRICULA  
41 RELATED TO INSTRUCTION UNDER SECTION 15-716, THE SCHOOL DISTRICT OR  
42 CHARTER SCHOOL SHALL MAKE THE SEX EDUCATION CURRICULA AVAILABLE FOR THE  
43 PARENT'S REVIEW, EITHER ONLINE OR IN-PERSON, PURSUANT TO SECTION 15-102,  
44 SUBSECTION A, PARAGRAPH 2. THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL  
45 NOTIFY PARENTS WHERE THE SEX EDUCATION CURRICULA, INCLUDING CURRICULA

1 RELATED TO INSTRUCTION UNDER SECTION 15-716, IS AVAILABLE FOR REVIEW AT  
2 LEAST TWO WEEKS BEFORE ANY INSTRUCTION IS OFFERED PURSUANT TO THIS SECTION  
3 OR SECTION 15-716.

4 C. ~~ATT~~ 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 D. 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.

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

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

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

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

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

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

40 15-716. Instruction on AIDS and HIV; department review and  
41 assistance; parental opt-in

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

1 B. Each school district OR CHARTER SCHOOL may develop its own  
2 course of study for each grade. At a minimum, instruction shall:

- 3 1. Be appropriate to the grade level in which it is offered.
- 4 2. Be medically accurate.
- 5 3. Promote abstinence.
- 6 4. Discourage drug abuse.
- 7 5. Dispel myths regarding transmission of the human  
8 immunodeficiency virus.

9 C. At the request of a school district OR CHARTER SCHOOL, the  
10 department of health services or the department of education shall review  
11 instruction materials to determine their medical accuracy.

12 D. At the request of a school district OR CHARTER SCHOOL, the  
13 department of education shall provide the following assistance:

- 14 1. A suggested course of study.
- 15 2. Teacher training.
- 16 3. A list of available films and other teaching aids.

17 E. ~~At the request of a parent,~~ A SCHOOL DISTRICT OR CHARTER SCHOOL  
18 MAY NOT PROVIDE INSTRUCTION TO A PUPIL ON ACQUIRED IMMUNE DEFICIENCY  
19 SYNDROME AND THE HUMAN IMMUNODEFICIENCY VIRUS AS PROVIDED IN SUBSECTION A  
20 OF THIS SECTION UNLESS THE PUPIL'S PARENT PROVIDES WRITTEN PERMISSION FOR  
21 THE PUPIL TO PARTICIPATE IN THE INSTRUCTION. IF THE PARENT DOES NOT  
22 PROVIDE WRITTEN PERMISSION, THE pupil shall be excused from THE  
23 instruction ~~on the acquired immune deficiency syndrome and the human  
24 immunodeficiency virus as provided in subsection A of this section.~~ The  
25 school district OR CHARTER SCHOOL shall provide a description of the  
26 course curriculum to all parents and notify all parents ~~of their ability  
27 to withdraw their child from the instruction~~ THAT THE INSTRUCTION WILL NOT  
28 BE PROVIDED UNLESS THE PARENT PROVIDES WRITTEN PERMISSION PURSUANT TO THIS  
29 SUBSECTION.

30 Sec. 5. Sex education instruction; course of study; review;  
31 delayed repeal

32 A. On or before December 15, 2021, each school district and charter  
33 school that offers any sex education instruction shall review its course  
34 of study and revise it to comply with sections 15-711 and 15-716, Arizona  
35 Revised Statutes, as amended by this act.

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