

Senate Engrossed House Bill

~~appropriation; Arizona water protection fund~~
(now: parental rights; sex education instruction)

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

CHAPTER 415
HOUSE BILL 2035

AN ACT

AMENDING SECTIONS 15-102, 15-113 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 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~~ THE 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, in
32 courses other than formal sex 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:

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

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

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

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

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

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

1 complete list of books and materials to be used each school year before
2 the student enrolls. If the charter school introduces books or materials
3 that were not disclosed prior to enrollment, the parent retains the right
4 to object to those materials pursuant to subsection A OF THIS SECTION.

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

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

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

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

17 E. For the purposes of this section:

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

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

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

24 (b) A charter school.

25 (c) An accommodation school.

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

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

29 15-711. Sex education instruction; minimum grade; parental
30 review of curricula; sexual conduct with a minor;
31 review and approval of course of study; public
32 hearings and input

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

35 B. BEFORE A PARENT PROVIDES WRITTEN PERMISSION FOR THE PARENT'S
36 CHILD TO PARTICIPATE IN ANY SEX EDUCATION CURRICULA, THE SCHOOL DISTRICT
37 OR CHARTER SCHOOL SHALL MAKE THE SEX EDUCATION CURRICULA AVAILABLE FOR THE
38 PARENT'S REVIEW ONLINE AND IN PERSON PURSUANT TO SECTION 15-102,
39 SUBSECTION A, PARAGRAPH 2. THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL
40 NOTIFY PARENTS WHERE THE SEX EDUCATION CURRICULA ARE AVAILABLE FOR REVIEW
41 AT LEAST TWO WEEKS BEFORE ANY INSTRUCTION IS OFFERED PURSUANT TO THIS
42 SECTION.

43 C. ~~At~~ EACH school ~~districts~~ DISTRICT OR CHARTER SCHOOL with
44 existing sex education curricula shall include instruction on the laws

1 relating to sexual conduct with a minor for pupils in grades seven, eight,
2 nine, ten, eleven and twelve.

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

6 E. BEFORE A SCHOOL DISTRICT OR CHARTER SCHOOL OFFERS SEX EDUCATION
7 INSTRUCTION, THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL
8 GOVERNING BODY SHALL REVIEW AND APPROVE THE SEX EDUCATION COURSE OF STUDY
9 THAT IS DEVELOPED, ADOPTED, REVISED OR UPDATED PURSUANT TO THIS SECTION.
10 THE GOVERNING BOARD OR GOVERNING BODY:

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

14 2. MAY NOT APPROVE A COURSE OF STUDY UNLESS IT COMPLIES WITH THIS
15 SECTION.

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

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

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

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

32 G. A SCHOOL DISTRICT OR CHARTER SCHOOL IS NOT REQUIRED TO PROVIDE
33 SEX EDUCATION INSTRUCTION TO PUPILS. IF A SCHOOL DISTRICT OR CHARTER
34 SCHOOL DECIDES TO PROVIDE SEX EDUCATION INSTRUCTION AFTER SCHOOL HOURS,
35 THIS SECTION AND SECTION 15-102 APPLY.

36 H. THIS SECTION DOES NOT PROHIBIT AGE AND GRADE APPROPRIATE
37 CLASSROOM INSTRUCTION REGARDING CHILD ASSAULT AWARENESS AND ABUSE
38 PREVENTION.

39 Sec. 4. Sex education instruction; course of study; review;
40 delayed repeal

41 A. On or before December 15, 2021, each school district and charter
42 school that offers any sex education instruction shall review its course
43 of study and revise it to comply with section 15-711, Arizona Revised
44 Statutes, as amended by this act.

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

APPROVED BY THE GOVERNOR JULY 9, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 9, 2021.