



# ARIZONA HOUSE OF REPRESENTATIVES

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## **SB 1456: sex education instruction; parental rights**

**Sponsor: Senator Barto, LD 15**

**Committee on Judiciary**

### **Overview**

Modifies requirements and prohibitions relating to sex education instruction.

### **History**

A school district is prohibited from providing sex education instruction to a pupil without written permission from their parent. A school district governing board (governing board) must adopt procedures to notify parents in advance and provide them the opportunity to withdraw their children from any instruction or presentations regarding sexuality in courses other than formal sex education curricula ([A.R.S. § 15-102](#)). A school district that offers sex education curricula must include instruction on laws relating to sexual conduct with a minor for pupils in grades 7 through 12 ([A.R.S. § 15-711](#)).

School districts may provide instruction to pupils in kindergarten through grade 12 on acquired immune deficiency syndrome (AIDS) and the human immunodeficiency virus (HIV). Instruction must be grade-level appropriate, medically accurate, promote abstinence, discourage drug abuse and dispel myths regarding transmission of HIV ([A.R.S. § 15-716](#)). A parent has the right to opt their pupil out of instruction on AIDS ([A.R.S. § 15-102](#)).

Current statute defines objects to any learning material or activity on the basis that it is harmful as objections to a material or activity because of sexual content, violent content, or profane or vulgar language ([A.R.S. § 15-113](#)).

### **Provisions**

1. Requires the school governing board to develop procedures by which parents will be notified in advance, and given the opportunity to opt their children into, any instruction regarding sexuality, *gender identity or gender expression*. (Sec. 1)
2. Requires the school governing board to develop procedures by which parents may learn about parental rights for opting their children into instruction regarding acquired immune deficiency syndrome. (Sec. 1)
3. Requires a public educational institution to obtain signed, written consent from a student's parent or guardian before providing sex education instruction or instruction regarding sexual orientation, gender identity or gender expression. (Sec. 2)
4. Requires when seeking consent, the public educational institution must at the same time inform the student's parent or guardian of the right to review the instructional materials and activities. (Sec. 2)
5. Prohibits a school district or charter school from providing sex education instruction, including instruction on AIDS and HIV, to pupils before grade 5. (Sec. 3)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note

6. Requires the school district or charter school to make the sex education curricula available for the parent's review either online or in-person and inform the parents where to find the curricula at least two weeks before any instruction is offered. (Sec. 3)
7. Allows a school district or charter school to develop its own sex education course of study or adopt an existing sex education course of study. (Sec. 3)
8. Requires school districts and charter schools to ensure sex education curricula conforms to current law before offering the instruction. (Sec. 3)
9. States before any sex education course of study is developed, adopted, revised or updated, the school district or charter school must:
  - a) Require all meetings of committees that are authorized for reviewing and selecting the course of study are open to the public;
  - b) Make any proposed sex education course available and accessible for review and public comment at least 60 days before governing board or body approve the course of study; and
  - c) Conduct at least two public hearings within the 60-day period. (Sec. 3)
10. Specifies that a school district or charter school is not required to offer sex education instruction. (Sec. 3)
11. Specifies a charter school that develops its own AIDS and HIV course of study must include instruction that:
  - a) Is grade-level appropriate and medically accurate;
  - b) Promotes abstinence;
  - c) Discourages drug use; and
  - d) Dispels myths regarding the transmission of HIV. (Sec. 4)
12. Allows a charter school to request the Arizona Department of Health Services or the Arizona Department of Education (ADE) to review instruction materials to determine their medical accuracy. (Sec. 4)
13. States a school district or charter school may not provide instruction to a pupil on AIDS and HIV unless the pupil's parent provides written permission. (Sec. 4)
14. Requires the school district or *charter school* to provide a description of the course curriculum regarding HIV and AIDS to all parents and notify all parents that the instruction will not be provided unless the parent provides written permission. (Sec. 4)
15. Requires each school district and charter school with existing sex education instruction to review its course of study and comply with requirements by December 15, 2021. (Sec. 5)
16. Defines relevant terms. (Sec. 2)
17. Makes technical and conforming changes. (Sec. 1, 2, 3, 4)