



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

VETOED

FACT SHEET FOR S.B. 1456

sex education instruction; parental rights

Purpose

Modifies requirements and prohibitions relating to sex education instruction, including approval of curricula and parental notification and permission. Prohibits sex education instruction for pupils in kindergarten through grade 4.

Background

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](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Instruction and Curricula Requirements

1. Prohibits a school district or charter school from providing sex education instruction, including instruction on AIDS and HIV, to pupils before grade 5.
2. Allows a school district to adopt an existing sex education course of study.

3. Allows a charter school to develop its own sex education course of study or adopt an existing sex education course of study.
4. Requires a charter school with existing sex education curricula to include instruction on laws relating to sexual conduct with a minor for pupils in grades 7 through 12.

AIDS and HIV Instruction

5. 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 abuse; and
 - d) dispels myths regarding transmission of HIV.
6. 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.
7. Allows a charter school to request ADE to provide the following assistance:
 - a) a suggested course of study;
 - b) teacher training; and
 - c) a list of available films and other teaching aids.

Curricula Approval

8. Requires a governing board or charter school governing body (governing body) to review and approve a sex education course of study, including instruction on AIDS and HIV, that is developed, adopted, revised or updated.
9. Prohibits a governing board or governing body from approving a course of study unless it complies with outlined requirements.
10. Requires a governing board or governing body, prior to approving any sex education course of study to do all of the following:
 - a) ensure all meetings with the purpose of reviewing and selecting the course of study are publicly noticed at least two weeks before occurring and are open to the public;
 - b) make any proposed course of study available and accessible for public review and comment for at least 60 days before considering approval; and
 - c) conduct at least two public hearings during the 60-day review period.
11. Specifies that public comment includes written and oral comments and comments submitted through email.

Parental Notification and Permission

12. Requires a public educational institution to obtain signed, written consent from a pupil's parent or guardian before providing sex education instruction or instruction regarding sexual orientation, gender identity or gender expression to the pupil.

13. Requires a public educational institution to inform a pupil's parent or guardian, at the same time it seeks consent, of the parent's or guardian's right to review the instructional materials and activities.
14. Prohibits a school district or charter school from providing AIDS and HIV instruction to a pupil without written permission from their parent and excuses a pupil without parent permission from AIDS and HIV instruction.
15. Requires a school district or charter school, before a parent provides written permission for a pupil to participate in any sex education curricula, including AIDS and HIV instruction, to:
 - a) make the sex education curricula available online or in-person, for the parent's review;
 - b) notify parents where the curricula is available for review at least two weeks prior to offering the instruction; and
 - c) notify parents that AIDS and HIV instruction will not be provided without their written permission.
16. Requires governing boards to develop and adopt advance parental notification procedures and provide parents the opportunity to opt their children into any instruction, learning materials or presentations related to sexuality, gender identity or gender expression in courses other than formal sex education curricula.
17. Requires sex education instruction that occurs after school hours to comply with all parental notification and permission requirements.
18. Specifies that a school district or charter school is not required to provide sex education instruction.

Miscellaneous

19. 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.
20. Repeals the requirement that each school district and charter school review its existing sex education course of study on January 1, 2022.
21. Modifies the definition of *objects to any learning material or activity on the basis that the material or activity is harmful* to include objecting to a material or activity because it questions beliefs regarding or practices in sex, morality or religion.
22. Makes technical and conforming changes.
23. Becomes effective on the general effective date.

Governor's Veto Message

The Governor indicates in his [veto message](#) that S.B. 1456 is overly broad and vague and could lead to serious consequences, including the possibility that it could be misinterpreted by schools. The Governor states in his veto message that he is issuing an [Executive Order](#) related to sex education, which among other matters, requires schools to make the sex education curricula

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available online and in-person and allows parents to review the materials before opting their child into sex education courses.

Senate Action

ED 2/16/21 DP 5-3-0
3rd Read 3/3/21 16-14-0

House Action

JUD 3/24/21 DP 6-4-0-0
3rd Read 4/14/21 31-28-1

Vetoed by the Governor 4/20/21

Prepared by Senate Research

April 21, 2021

JO/gs