



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

House: APPROP DP 13-0-0-0 | 3rd Read 55-4-1-0

Senate: APPROP DP 10-0-0-0 | HHS DPA/SE 5-3-0-0 | 3rd Read 16-13-1-0

HB 2035: ~~appropriation; Arizona water protection fund~~

NOW: parental rights; sex education instruction

Sponsor: Representative Griffin, LD 14

Senate Engrossed

The House Engrossed version of HB 2035 appropriates \$1,000,000 from the state General Fund to the Arizona Water Protection Fund in FY 2022.

The Senate adopted a strike-everything amendment that does the following:

Overview

Prohibits school districts and charter schools from providing sex education instruction before the 5th grade. Outlines sex education curricula adoption procedures for school district governing boards (governing boards) and charter school governing bodies (governing bodies).

History

Currently, a governing board must adopt procedures to:

- 1) Allow parents to learn about their child's course of study and review learning materials;
- 2) Allow parents to withdraw their child from any learning materials or activities on the basis that the material or activity is harmful;
- 3) Prohibit the school district from providing sex education instruction unless a parent provides written permission for their child to participate; and
- 4) Provide advanced parental notification and the opportunity for a parent to withdraw their child from any instruction or presentations regarding sexuality, in courses other than formal sex education curricula ([A.R.S. § 15-102](#)).

Furthermore, a public educational institution must obtain signed, written consent from a student's parent before using video, audio or electronic materials that may be inappropriate for the student's age ([A.R.S. § 15-113](#)). All school districts with existing sex education curricula are required to include instruction on the laws relating to sexual conduct with a minor for students in the 7th-12th grades ([A.R.S. § 15-711](#)).

On April 20, 2021, Governor Ducey issued [Executive Order 2021-11](#) that directs the State board of Education to adopt rules regarding sex education curricula for school districts and charter schools. These rules must include a public review and comment process and require the posting of curricula online and in person for parental review.

Provisions

Sex Education and Other Instruction

1. Prohibits school districts and charter schools from providing sex education instruction before the 5th grade. (Sec. 3)
2. Mandates a charter school with existing sex education curricula include instruction on the laws relating to sexual conduct with a minor for pupils in the 7th-12th grades. (Sec. 3)

3. Allows each 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)
4. States that age and grade appropriate classroom instruction regarding child assault awareness and abuse prevention is not prohibited. (Sec. 3)

Sex Education Curricula Adoption and Parental Rights

5. Instructs a governing board to adopt procedures to provide parents with advanced notification and the opportunity to opt their child in to any instruction, learning materials or presentations regarding sexuality, in courses other than formal sex education curricula. (Sec. 1)
6. Adds that a public educational institution must:
 - a) Obtain signed, written consent from a student's parent or guardian before providing sex education instruction to the student; and
 - b) Inform the student's parent of their right to review instructional material and activities when seeking consent. (Sec. 2)
7. Requires a governing board or governing body to provide parents with a meaningful opportunity to participate in, review and provide input on any proposed sex education instruction before it is adopted. (Sec. 3)
8. Requires a school district or charter school, before a parent provides written permission for their child to participate in sex education curricula, to:
 - a) Make the sex education curricula available for parental review online and in person; and
 - b) Notify parents where the sex education curricula are available for review at least two weeks before any instruction is offered. (Sec. 3)
9. Requires a governing board or governing body to review and approve the sex education course of study that is developed, adopted, revised or updated prior to offering instruction. (Sec. 3)
10. Mandates that before any sex education course of study developed, adopted, revised or updated is approved, the governing board or governing body must:
 - a) Require that all meetings of committees that are authorized to review and select the sex education course of study be publicly noticed at least two weeks before occurring and be open to the public;
 - b) Make any proposed sex education course of study available and accessible for review and public comment for at least 60 days before considering the decision of approval; and
 - c) Conduct at least two public hearings within the required 60-day period of review and public comment. (Sec. 3)
11. Details that public comment may include written, oral or emailed comments. (Sec. 3)
12. Prohibits a governing board or governing body from approving a sex education course of study that does not comply with the prescribed requirements. (Sec. 3)
13. Clarifies that a school district or charter school is not required to provide sex education instruction. (Sec. 3)
14. Stipulates that any sex education instruction provided after school hours must comply with the prescribed parental permission, notification and review requirements. (Sec. 3)

Sex Education Curricula Review

15. Requires, by December 15, 2021, each school district and charter school that offers any sex education instruction to review and revise its course of study to comply with the prescribed requirements.
 - a) Repeals the review requirement on January 1, 2022. (Sec. 4)

Miscellaneous

16. Makes technical changes. (Sec. 1, 2, 3)