



Sex Education Overview

Overview

No state law requires Arizona public schools to teach sex education. Many school districts voluntarily offer sex education classes. Three state statutes or regulations address sex education:

(1) If a district offers sex education, the instruction must conform to State Board of Education Guidelines (Rule 15-R7-2-303):

- Grades K-8: Students can only participate in sex education courses with the written permission of a parent. Even then, there are several overriding requirements that must be satisfied.
- High School: Although written permission is not needed to participate, a student can “opt-out” and be excused with a parent’s permission. The instructional materials must conform to certain guidelines, including an emphasis on abstinence. All instructional materials must be available for viewing by the public.

(2) If a school district provides AIDS/HIV instruction, the instruction must meet the statutory requirements of A.R.S. 15-716(C), including that it:

- must be grade appropriate;
- must be medically accurate; and
- must not promote a homosexual lifestyle.

(3) A.R.S. 15-711 requires that any sex education classes in grades seven through twelve must include instruction on the laws regarding sexual conduct with a minor.

Most importantly, parents can “just say no” to public school sex education by opting their children out of those classes.

Prepared by The Center for Arizona Policy, a non-profit, non-partisan research and education organization.
Nothing contained herein should be construed as an effort to aid or hinder any legislation.

State Board of Education Sex Ed Guidelines – Rule 15-R7-2-303

Grades K through 8 Courses:

- “Opt-In.” Students can only participate in the course with the written permission provided by a parent or guardian.
- The school’s local governing board must approve the curriculum after receiving recommendations from an advisory committee consisting of members of the community.
- Public hearings are required prior to approval.
- Overriding requirements. If K-8 sex ed classes are taught, such lessons must:
 - be taught to boys and girls separately;
 - be a supplement to the health course of study;
 - be ungraded;
 - not require homework;
 - not include questions pertaining to a student’s or parent’s personal beliefs, sex practices, family life, morality, values or religion.

High School Courses:

- “Opt-Out.” If a district offers sex education classes, students may utilize the general provision allowing a parent to opt his child out of an activity because the “material or activity ... questions beliefs or practices in sex, morality or religion.” (A.R.S. §15-102 A (3))
- Sex ed lessons must not include questions pertaining to a student’s or parent’s personal beliefs, sex practices, family life, morality, values, or religion.
- All instructional materials must be available for viewing by the public.

The relevant part of R7-2-303 reads as follows:

3. Content of instruction: common schools and high schools.
 - a. All sex education materials and instruction shall be age appropriate, recognize the needs of exceptional students, meet the needs of the district, recognize local community standards and sensitivities, shall not include the teaching of abnormal, deviate, or unusual sexual acts and practices, and shall include the following:
 - i. Emphasis upon the power of individuals to control their own personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations such as respect for self and others; and
 - ii. Instruction on how to say “no” to unwanted sexual advances and to resist negative peer pressure. Pupils shall be taught that it is wrong to take advantage of, or to exploit, another person.
 - b. All sex education materials and instruction which discuss sexual intercourse shall:
 - i. Stress that pupils should abstain from sexual intercourse until they are mature adults;
 - ii. Emphasize that abstinence from sexual intercourse is the only method for avoiding pregnancy that is 100% effective;
 - iii. Stress that sexually transmitted diseases have severe consequences and constitute a serious and widespread public health problem;
 - iv. Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual intercourse and the consequences of preadolescent and adolescent pregnancy;
 - v. Promote honor and respect for monogamous heterosexual marriage; and

- vi. Advise pupils of Arizona law pertaining to the financial responsibilities of parenting, and legal liabilities related to sexual intercourse with a minor.

Arizona's AIDS Education and Homosexual Lifestyle Statute

A.R.S. 15-716. Instruction on acquired immune deficiency syndrome; department assistance

A. Each common, high and unified school district may provide instruction to kindergarten programs through the twelfth grade on acquired immune deficiency syndrome and the human immunodeficiency virus.

B. Each district is free to develop its own course of study for each grade. At a minimum, instruction shall:

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

C. No district shall include in its course of study instruction which:

1. Promotes a homosexual life-style.
2. Portrays homosexuality as a positive alternative life-style.
3. Suggests that some methods of sex are safe methods of homosexual sex.

D. At the request of a school district, the department of health services or the department of education shall review instruction materials to determine their medical accuracy.

E. At the request of a school district, the department of education shall provide the following assistance:

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

F. At the request of a parent, a pupil shall be excused from instruction on the acquired immune deficiency syndrome and the human immunodeficiency virus as provided in subsection A of this section. The school district shall notify all parents of their ability to withdraw their child from the instruction.

Arizona's Sex Education and Sexual Conduct with Minors Statute

A.R.S. 15-711. Sex education curricula; sexual conduct with a minor

All school districts with existing sex education curricula shall include instruction on the laws relating to sexual conduct with a minor for pupils in grades seven, eight, nine, ten, eleven and twelve. Each school district may develop its own course of study to meet the requirements of this section.

Sex Education Curriculum and Programs

There are two basic types of sex education curricula, Abstinence until Marriage (ATM) and “medically accurate or “Comprehensive” Sex Education (CSE), which assumes teenage sexual activity and promotes condom usage. CSE also receives funding from state lottery “teen pregnancy prevention” funds (see below). See Issue Brief Education 6, “*Medically Accurate Sex Education.*”

Abstinence Until Marriage Education

Some schools offer Abstinence Until Marriage education programs. The education programs are designed to encourage and promote abstinence as a healthy, wise, and safe lifestyle among students. In 1996, Congress passed a bill allowing federal funds for these programs, provided there were state matching funds available.

In 2003, Gov. Napolitano vetoed funding necessary to draw down matching federal grant dollars for abstinence until marriage programs. The abstinence programs were forced to seek funding from private sources. In 2005, the legislature restored funding to the programs, providing \$1 million. The funding level was increased in 2006 to a total of \$1.5 million, which drew down additional federal dollars. National statistics have shown the effectiveness of abstinence programs. The National Center of Health Statistics issued a press release in December 2004 stating that the number of teenage girls aged 15-17 years who had ever engaged in sexual intercourse dropped from 38 percent in 1995 to 30 percent in 2002. The same study showed that the numbers among males the same age dropped from 43 percent in 1995 to 31 percent in 2002.¹

In January 2008, Governor Napolitano announced her decision to reject federal funds for abstinence until marriage education programs.

For more information on these programs, see the “Abstinence Until Marriage” Issue Brief.

Teen Pregnancy and Prevention Programs

In 1995, Arizona voters approved up to \$3 million in lottery funds to be used each year for “teenage pregnancy and prevention programs.” A.R.S. 5-522 provides a list of how excess lottery funds are to be used and prioritizes programs to be funded. The teenage pregnancy programs are low on the list but have received funding. The language merely states that funds are supposed to be used for these programs and that the funds should be allocated through the Department of Health Services. There are no regulations regarding program curriculum.

¹ *National Center for Health Statistics*. Retrieved from <http://www.cdc.gov/nchs/pressroom/04news/teens.htm>