

September 8, 2021

Re: New State Requirements for Sex Education and Sexuality Materials

Dear Superintendent:

As you may know, a new Arizona law goes into effect on September 29, 2021, to set forth requirements for sex education and sexuality materials in district and charter schools. We have outlined the law below, and enclosed a copy of it with this letter for your reference.

Provisions

Instruction and Curricula Requirements

1. Prohibits school districts and charter schools from providing sex education instruction 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 the laws relating to sexual conduct with a minor, for pupils in grades 7 through 12.
5. Specifies that age and grade appropriate classroom instruction on child assault awareness and abuse prevention is not prohibited.

Curricula Approval

6. Requires a governing board or charter school governing body to review and approve a sex education course of study that is developed, adopted, revised or updated.
7. Prohibits a governing board or governing body from approving a course of study unless it complies with outlined requirements.
8. Directs a governing board or governing body, prior to approving any sex education course of study, to:
 - a) ensure that all meetings with the purpose of reviewing and selecting a 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;
 - c) conduct at least two public hearings during the 60-day review period; and
 - d) provide parents with a meaningful opportunity to participate, review, and provide input before the course of study is adopted.
9. Specifies that public comment includes written and oral comments, as well as comments submitted through email.

Parental Permission and Notification

10. Directs a public educational institution to:
 - a) obtain signed, written consent from a pupil's parent or guardian before providing sex education instruction; and

- b) at the same time, inform a pupil's parent or guardian of their right to review the instructional materials and activities.
11. Requires a school district or charter school, before a parent provides written permission, to:
 - a) make the sex education curricula available for the parent's 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.
 12. Requires a governing board to develop and adopt advance parental notification procedures and provide parents the opportunity to opt their children in to any instruction, learning materials, or presentations related to sexuality, in courses other than formal sex education curricula.
 13. Requires sex education instruction that occurs after school hours to comply with all parental permission and curricula review requirements.
 14. Specifies that a school district or charter school is not required to provide sex education instruction to pupils.

Miscellaneous

15. Directs each school district and charter school offering existing sex education instruction to review its course of study and comply with outlined requirements by December 15, 2021.
16. Repeals the requirement that each school district and charter school review its existing sex education course of study by January 1, 2022.
17. Becomes effective on the general effective date of September 29, 2021.

Thank you for your laudable commitment to the education of Arizona's future work-force and leaders. Your passion for education is greatly appreciated. If you have any questions or need any clarification in regard to implementation of this law, please let us know.

Sincerely yours,



Cathi Herrod, Esq.
President

Enclosure

cc: Arizona Superintendent of Public Instruction