

R7-2-303. Sex Education

A. Instruction in sex education in the public schools of Arizona, including instruction provided after hours, shall be offered only in conformity with the following requirements. Nothing in this section shall be construed to require a school district or charter school provide sex education instruction to pupils.

1. Common schools: Nature of instruction; approval; format.

a. Supplemental/elective nature of instruction. The common schools of Arizona may provide a specific elective lesson or lessons concerning sex education as a supplement to the health course of study.

i. This supplement may only be taken by the student at the written request of the student's parent or guardian. When the school district or charter school seeks consent pursuant to this subsection, the school district or charter school shall inform the parent or guardian of their right to review the instructional materials and activities.

ii. Alternative elective lessons from the state-adopted optional subjects shall be provided for students who do not enroll in elective sex education.

iii. School districts and charter schools may not provide sex education lessons or instruction before grade five.

iv. Elective sex education lessons shall not exceed the equivalent of one class period per day for 1/4 of the school year for grades five through eight.

b. Local governing board approval. All elective sex education lessons to be offered shall first be approved by the local governing board.

i. Each local governing board contemplating the offering of elective sex education shall establish an advisory committee with membership representative of district size and the racial and ethnic composition of the community to assist in the development of lessons and advise the local governing board on an ongoing basis. All meetings of committees that are authorized for the purposes of reviewing and selecting the sex education course of study shall be publicly noticed at least two weeks before occurring and be open to the public pursuant to Arizona Revised Statutes Title 38, Chapter 3, Article 3.1.

ii. The local governing board shall review the total instructional materials and approve all lessons and curricula in the course of study to be offered in sex education.

iii. The local governing board shall make any proposed sex education course of study available and accessible for review and public comment for at least sixty days before the governing board or governing body decides whether to approve that course of study. The local governing board shall publicize and hold at least two public hearings within the sixty-day period for the purpose of receiving public input at least one week prior to the local governing board meeting at which the elective sex education lessons will be considered for approval. Public input may include written comments, oral comments and comments submitted electronically.

iv. The local governing board shall maintain for viewing by the public, both online and in-person pursuant to A.R.S. 15-102(A)(2), the total instructional materials to be used in approved elective sex education lessons within the school district or charter school at least two weeks before any instruction is offered.

c. Format of instruction.

i. Lessons shall be taught to boys and girls separately.

- 1 ii. Lessons shall be ungraded, require no homework, and any evaluation administered
2 for the purpose of self-analysis shall not be retained or recorded by the school or
3 the teacher in any form.
- 4 iii. Lessons shall not include tests, psychological inventories, surveys, or examinations
5 containing any questions about the student's or the student's parents' personal
6 beliefs or practices in sex, family life, morality, values or religion.
- 7 2. High schools: Course offering; approval; format.
 - 8 a. A course in sex education may be provided in the high schools of Arizona.
 - 9 b. This course may only be taken by the student at the written request of the student's
10 parent or guardian.
 - 11 c. Alternative elective lessons from the state-adopted optional subjects shall be provided
12 for students who do not enroll in elective sex education.
 - 13 d. All meetings of committees that are authorized for the purposes of reviewing and
14 selecting the sex education course of study shall be publicly noticed at least two weeks
15 before occurring and be open to the public pursuant to Arizona Revised Statutes Title
16 38, Chapter 3, Article 3.1.
 - 17 e. The local governing board shall review the total instructional materials and approve all
18 lessons and curricula in the course of study to be offered in sex education.
 - 19 f. The local governing board shall make any proposed sex education course of study
20 available and accessible for review and public comment for at least sixty days before
21 the governing board or governing body decides whether to approve that course of study.
22 The local governing board shall publicize and hold at least two public hearings within
23 the sixty-day period for the purpose of receiving public input at least one week prior to
24 the local governing board meeting at which the elective sex education lessons will be
25 considered for approval. Public input may include written comments, oral comments
26 and comments submitted electronically.
 - 27 g. Lessons shall not include tests, psychological inventories, surveys, or examinations
28 containing any questions about the student's or the student's parents' personal beliefs
29 or practices in sex, family life, morality, values or religion.
 - 30 h. Local governing boards shall maintain for viewing by the public, both online and in-
31 person pursuant to A.R.S. 15-102(A)(2), the total instructional materials to be used in
32 all sex education courses to be offered in high schools within the school district or
33 charter school at least two weeks before any instruction is offered.
- 34 3. Content of instruction: Common schools and high schools.
 - 35 a. All sex education materials and instruction shall be age appropriate, recognize the
36 needs of exceptional students, meet the needs of the district, recognize local community
37 standards and sensitivities, shall not include the teaching of abnormal, deviate, or
38 unusual sexual acts and practices, and shall include the following:
 - 39 i. Emphasis upon the power of individuals to control their own personal behavior.
40 Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense
41 of responsibility, self-control and ethical considerations such as respect for self and
42 others; and
 - 43 ii. Instruction on how to say "no" to unwanted sexual advances and to resist negative
44 peer pressure. Pupils shall be taught that it is wrong to take advantage of, or to
45 exploit, another person.
 - 46 b. All sex education materials and instruction which discuss sexual intercourse shall:

- 1 i. Stress that pupils should abstain from sexual intercourse until they are mature
- 2 adults;
- 3 ii. Emphasize that abstinence from sexual intercourse is the only method for avoiding
- 4 pregnancy that is 100 percent effective;
- 5 iii. Stress that sexually transmitted diseases have severe consequences and constitute a
- 6 serious and widespread public health problem;
- 7 iv. Include a discussion of the possible emotional and psychological consequences of
- 8 preadolescent and adolescent sexual intercourse and the consequences of
- 9 preadolescent and adolescent pregnancy;
- 10 v. Advise pupils of Arizona law pertaining to the financial responsibilities of
- 11 parenting, and legal liabilities related to sexual intercourse with a minor.
- 12 **B.** Certification of compliance. All districts and charter schools offering a local governing board-
- 13 approved sex education course or lesson shall certify, under the notarized signature of both the
- 14 president of the local governing board and the chief administrator of the school district or
- 15 charter school, compliance with this rule except as specified in subsection (C).
- 16 Acknowledgment of receipt of the compliance certification from the State Board of Education
- 17 is required as a prerequisite to the initiation of instruction. Certification of compliance shall be
- 18 in a format and with such particulars as shall be specified by the Department of Education.
- 19 **C.** School districts and charter schools shall make any existing sex education course of study
- 20 available and accessible for review both online and in person by June 30, 2021.