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DISTRICT 29



Arizona State Senate

COMMITTEES:
JUDICIARY,
RANKING MEMBER
EDUCATION
FINANCE
RULES

LEGISLATIVE COUNCIL

May 15, 2019

Honorable Kathy Hoffman, Superintendent of Public Instruction
1535 West Jefferson Street
Phoenix AZ 85007

Dear Superintendent Hoffman,

Thank you for your work and the role that you played in repealing Arizona's discriminative "no promo homo" law which fostered an unwelcoming school atmosphere for LGBTQ students since 1991. As the sponsor of previous legislation to repeal the "no promo homo" law, I was eager to hear you mention the importance of doing so in your first State of Education speech – and it is why I write to you today.

As part of a settlement agreement negotiated with the plaintiffs in *Equality Arizona et al v. Hoffman et al*, the State Board of Education will consider a rule change to R7-2-303 scheduled for the Board's Monday, May 20th meeting. The proposed rule change recommends striking a provision in board rule that requires sex education materials and instruction to "promote honor and respect for monogamous heterosexual marriage".

While I support this change, and understand it is part of a settlement agreement – I believe that we can and should go further by adopting a more comprehensive version that has been discussed and agreed on by a large group of stakeholder organizations that also worked to repeal the no promo homo law. The proposed changes would largely maintain current sex education rules but strengthen them to require instruction and materials be medically and scientifically accurate. These changes also provide flexibility in the format of instruction.

I am attaching the proposed changes with this letter and I respectfully request that you to consider supporting these changes during the State Board of Education's May meeting (agenda item #5 D). Please feel free to communicate with me if you have any questions or wish to discuss this topic further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Martín J. Quezada".

Martín J. Quezada
State Senator, Legislative District #29

CC: John Carruth, Chief of Staff
Callie Kozlak, Associate Superintendent for Policy & Government Relations
Aaron Wonders, Deputy Director of Government Relations

R7-2-303. Sex education

- A. Instruction in sex education in the public schools of Arizona shall be offered only in conformity with the following requirements.
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.
 - ii. Alternative elective lessons from the state-adopted optional subjects shall be provided for students who do not enroll in elective sex education.
 - iii. Elective sex education lessons shall not exceed the equivalent of one class period per day for 1/8 of the school year for grades K-4.
 - 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 5-8.
 - 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.
 - ii. The local governing board shall review the total instructional materials for lessons presented for approval.
 - iii. The local governing board shall publicize and hold at least two public hearings 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.
 - iv. The local governing board shall maintain for viewing by the public the total instructional materials to be used in approved elective sex education lessons within the district.
 - c. Format of instruction.
 - i. Lessons shall ~~shall~~ MAY be taught to boys and girls separately.
 - ii. Lessons shall be ungraded, require no homework, and any evaluation administered for the purpose of self-analysis shall not be retained or recorded by the school or the teacher in any form.
 - iii. Lessons shall not include tests, psychological inventories, surveys, or examinations containing any questions about the student's or his THEIR parents' personal beliefs or practices in sex, family life, morality, values or religion.
 2. High schools: Course offering; approval; format.
 - a. A course in sex education may be provided in the high schools of Arizona.
 - b. The local governing board shall review the total instructional materials and approve all lessons in the course of study to be offered in sex education.

- c. Lessons shall not include tests, psychological inventories, surveys, or examinations containing any questions about the student's or his parents' personal beliefs or practices in sex, family life, morality, values or religion.
 - d. Local governing boards shall maintain for viewing by the public the total instructional materials to be used in all sex education courses to be offered in high schools within the district.
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~~, BE MEDICALLY AND SCIENTIFICALLY ACCURATE, 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 INFECTIONS have severe consequences and constitute a serious and widespread public health problem, AND PROVIDE MEDICALLY ACCURATE INSTRUCTION ON METHODS TO PREVENT THE TRANSMISSION OF THESE INFECTIONS;
 - 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. v. Advise pupils of Arizona law pertaining to the financial responsibilities of parenting, and legal liabilities related to sexual intercourse with a minor.
- B. Certification of compliance.** All districts offering a local governing board-approved sex education course or lesson shall certify, under the notarized signature of both the president of the local governing board and the chief administrator of the school district, compliance with this rule except as specified in subsection (C). Acknowledgment of receipt of the compliance certification from the State Board of Education is required as a prerequisite to the initiation of instruction. Certification of compliance shall be in a format and with such particulars as shall be specified by the Department of Education.
- C.** All districts offering State Board approved sex education lessons or courses prior to the effective date of this rule shall comply with this rule on or before June 30, 1990.