



Arizona Department of Education Parental Rights Handbook

Last Updated: November 25, 2020

In the 2020 Arizona Legislative Session, the Legislature passed Senate Bill (SB) 1061 which the Governor signed on June 5, 2020. SB 1061 established ARS § 15- 249.16 which requires the Arizona Department of Education (Department) to establish and post a statutory handbook of parental rights. Additionally, each school district and charter school must prominently post a link to the statutory handbook of parental rights on a publicly accessible portion of their website.

This document contains the required statutes per SB 1061 and fulfills the Department's role in developing and posting the parental rights handbook pursuant to A.R.S. § 15-249.16.

A.R.S. § 1-601 – Parents' rights protected

A. The liberty of parents to direct the upbringing, education, health care and mental health of their children is a fundamental right.

B. This state, any political subdivision of this state or any other governmental entity shall not infringe on these rights without demonstrating that the compelling governmental interest as applied to the child involved is of the highest order, is narrowly tailored and is not otherwise served by a less restrictive means.

A.R.S. § 1-602 – Parents' bill of rights; definition

A. All parental rights are reserved to a parent of a minor child without obstruction or interference from this state, any political subdivision of this state, any other governmental entity or any other institution, including:

1. The right to direct the education of the minor child.
2. All rights of parents identified in title 15, including the right to access and review all records relating to the minor child.
3. The right to direct the upbringing of the minor child.
4. The right to direct the moral or religious training of the minor child.
5. The right to make health care decisions for the minor child, including rights pursuant to sections 15-873, 36-2271 and 36-2272, unless otherwise prohibited by law.
6. The right to access and review all medical records of the minor child unless otherwise prohibited by law or the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement official requests that the information not be released.



7. The right to consent in writing before a biometric scan of the minor child is made pursuant to section 15-109.

8. The right to consent in writing before any record of the minor child's blood or deoxyribonucleic acid is created, stored or shared, except as required by section 36-694, or before any genetic testing is conducted on the minor child pursuant to section 12-2803 unless authorized pursuant to section 13-610 or a court order.

9. The right to consent in writing before the state or any of its political subdivisions makes a video or voice recording of the minor child, unless the video or voice recording is made during or as a part of a court proceeding, by law enforcement officers during or as part of a law enforcement investigation, during or as part of an interview in a criminal or child safety services investigation or to be used solely for any of the following:

(a) Safety demonstrations, including the maintenance of order and discipline in the common areas of a school or on pupil transportation vehicles.

(b) A purpose related to a legitimate academic or extracurricular activity.

(c) A purpose related to regular classroom instruction.

(d) Security or surveillance of buildings or grounds.

(e) A photo identification card.

10. The right to be notified promptly if an employee of this state, any political subdivision of this state, any other governmental entity or any other institution suspects that a criminal offense has been committed against the minor child by someone other than a parent, unless the incident has first been reported to law enforcement and notification of the parent would impede a law enforcement or child safety services investigation. This paragraph does not create any new obligation for school districts and charter schools to report misconduct between students at school, such as fighting or aggressive play, that is routinely addressed as a student disciplinary matter by the school.

11. The right to obtain information about a child safety services investigation involving the parent pursuant to section 8-807.

B. This section does not authorize or allow a parent to engage in conduct that is unlawful or to abuse or neglect a child in violation of the laws of this state. This section does not prohibit courts, law enforcement officers or employees of a government agency responsible for child welfare from acting in their official capacity within the scope of their authority. This section does not prohibit a court from issuing an order that is otherwise permitted by law.

C. Any attempt to encourage or coerce a minor child to withhold information from the child's



parent shall be grounds for discipline of an employee of this state, any political subdivision of this state or any other governmental entity, except for law enforcement personnel.

D. Unless those rights have been legally waived or legally terminated, parents have inalienable rights that are more comprehensive than those listed in this section. This chapter does not prescribe all rights of parents. Unless otherwise required by law, the rights of parents of minor children shall not be limited or denied.

E. For the purposes of this section, "parent" means the natural or adoptive parent or legal guardian of a minor child.

A.R.S. § 15-102 – Parental involvement in the school; definition

A. The governing board, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district, including:

1. A plan for parent participation in the schools that is designed to improve parent and teacher cooperation in such areas as homework, attendance and discipline. The plan shall provide for the administration of a parent-teacher satisfaction survey.
2. Procedures by which parents may learn about the course of study for their children and review learning materials, including the source of any supplemental educational materials.
3. Procedures by which parents who object to any learning material or activity on the basis that it is harmful may withdraw their children from the activity or from the class or program in which the material is used. Objection to a learning material or activity on the basis that it is harmful includes objection to a material or activity because it questions beliefs or practices in sex, morality or religion.
4. If a school district offers any sex education curricula pursuant to section 15-711 or 15-716 or pursuant to any rules adopted by the state board of education, procedures to prohibit a school district from providing sex education instruction to a pupil unless the pupil's parent provides written permission for the child to participate in the sex education curricula.
5. Procedures by which parents will be notified in advance of and given the opportunity to withdraw their children from any instruction or presentations regarding sexuality in courses other than formal sex education curricula.
6. Procedures by which parents may learn about the nature and purpose of clubs and activities that are part of the school curriculum, extracurricular clubs and activities that



have been approved by the school.

7. Procedures by which parents may learn about parental rights and responsibilities under the laws of this state, including the following:

- (a) The right to opt into a sex education curriculum if one is provided by the school district.
- (b) Open enrollment rights pursuant to section 15-816.01.
- (c) The right to opt out of assignments pursuant to this section.
- (d) The right to opt out of immunizations pursuant to section 15-873.
- (e) The promotion requirements prescribed in section 15-701.
- (f) The minimum course of study and competency requirements for graduation from high school prescribed in section 15-701.01.
- (g) The right to opt out of instruction on the acquired immune deficiency syndrome pursuant to section 15-716.
- (h) The right to review test results pursuant to section 15-743.
- (i) The right to participate in gifted programs pursuant to section 15-779.01.
- (j) The right to access instructional materials pursuant to section 15-730.
- (k) The right to receive a school report card pursuant to section 15-746.
- (l) The attendance requirements prescribed in sections 15-802, 15-803 and 15-821.
- (m) The right to public review of courses of study and textbooks pursuant to sections 15-721 and 15-722.
- (n) The right to be excused from school attendance for religious purposes pursuant to section 15-806.
- (o) Policies related to parental involvement pursuant to this section.
- (p) The right to seek membership on school councils pursuant to section 15-351.



(q) Information about the student accountability information system as prescribed in section 15-1041.

(r) The right to access the failing schools tutoring fund pursuant to section 15-241.

B. The policy adopted by the governing board pursuant to this section may also include the following components:

1. A plan by which parents will be made aware of the district's parental involvement policy and this section, including:

(a) Rights under the family educational rights and privacy act of 1974 (20 United States Code section 1232g) relating to access to children's official records.

(b) The parent's right to inspect the school district policies and

curriculum. 2. Efforts to encourage the development of parenting skills.

3. The communication to parents of techniques designed to assist the child's learning experience in the home.

4. Efforts to encourage access to community and support services for children and families.

5. The promotion of communication between the school and parents concerning school programs and the academic progress of the parents' children.

6. Identifying opportunities for parents to participate in and support classroom instruction at the school.

7. Efforts to support, with appropriate training, parents as shared decision-makers and to encourage membership on school councils.

8. The recognition of the diversity of parents and the development of guidelines that promote widespread parental participation and involvement in the school at various levels.

9. The development of preparation programs and specialized courses for certificated employees and administrators that promote parental involvement.

10. The development of strategies and programmatic structures at schools to encourage and enable parents to participate actively in their children's education.

C. The governing board may adopt a policy to provide to parents the information required by



this section in an electronic form.

D. A parent shall submit a written request for information pursuant to this section during regular business hours to either the school principal at the school site or the superintendent of the school district at the office of the school district. Within ten days after receiving the request for information, the school principal or the superintendent of the school district shall either deliver the requested information to the parent or submit to the parent a written explanation of the reasons for the denial of the requested information. If the request for information is denied or the parent does not receive the requested information within fifteen days after submitting the request for information, the parent may submit a written request for the information to the school district governing board, which shall formally consider the request at the next scheduled public meeting of the governing board if the request can be properly noticed on the agenda. If the request cannot be properly noticed on the agenda, the governing board shall formally consider the request at the next subsequent public meeting of the governing board.

E. For the purposes of this section, "parent" means the natural or adoptive parent or legal guardian of a minor child.

A.R.S. § 15-110 – Rights of students at public educational institutions; limitations; definition

A. A public educational institution shall not discriminate against students or parents on the basis of a religious viewpoint or religious expression.

B. If an assignment requires a student's viewpoint to be expressed in coursework, artwork or other written or oral assignments, a public educational institution shall not penalize or reward a student on the basis of religious content or a religious viewpoint. In such an assignment, a student's academic work that expresses a religious viewpoint shall be evaluated based on ordinary academic standards of substance and relevance to the course curriculum or requirements of the coursework or assignment.

C. Students in public educational institutions may pray or engage in religious activities or religious expression before, during and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression.

D. Students in public educational institutions may wear clothing, accessories and jewelry that display religious messages or religious symbols in the same manner and to the same extent that other types of clothing, accessories and jewelry that display messages or symbols are permitted.

E. This section shall not be construed to authorize this state or any of its political subdivisions to do either of the following:

1. Require any person to participate in prayer or in any other religious



activity. 2. Violate the constitutional rights of any person.

F. This section shall not be construed to limit the authority of any public educational institution to do any of the following:

1. Maintain order and discipline on the campus of the public educational institution in a content and viewpoint neutral manner.
2. Protect the safety of students, employees and visitors of the public educational institution.
3. Adopt and enforce policies and procedures regarding student speech at school provided that the policies and procedures do not violate the rights of students as guaranteed by the United States and Arizona constitutions and laws.
4. Adopt and enforce policies and procedures that prohibit students from wearing any type of clothing, accessories and jewelry that is worn with the intent to convey affiliation with a criminal street gang as defined in section 13-105.

G. A student or a student's parent shall not initiate legal action to enforce this section unless the student or the student's parent has done the following:

1. The student or the student's parent shall submit a complaint in writing with the specific facts of the alleged violation to the principal of the school. The principal shall investigate the complaint and respond in writing, including a description of any action taken to resolve the complaint, within fifteen days of receiving the written complaint.
2. If the action taken by the principal of the school does not resolve the complaint of the student or the student's parent, the student or the student's parent shall submit a complaint in writing with the specific facts of the alleged violation to the superintendent or designated administrator. The superintendent or designated administrator shall investigate the complaint and respond in writing, including a description of any action taken to resolve the complaint, within twenty-five days of receiving the written complaint.
3. If the action taken by the superintendent or designated administrator does not resolve the complaint of the student or the student's parent, the student or the student's parent may pursue legal action to enforce this section.

H. For the purposes of this section, "public educational institution" means any of the

following: 1. A school district, including its schools.

2. A charter school.



3. An accommodation school.
4. The Arizona state schools for the deaf and the blind.

A.R.S. § 15-113 – Rights of parents; public educational institutions; definitions

A. A parent of a student in a public educational institution has the right to review learning materials and activities in advance. A parent who objects to any learning material or activity on the basis that the material or activity is harmful may request to withdraw that student from the activity or from the class or program in which the material is used and request an alternative assignment.

B. A charter school may require parents to waive the right to object to learning materials or activities pursuant to subsection A as a condition of enrollment if the charter school provides a complete list of books and materials to be used each school year before the student enrolls. If the charter school introduces books or materials that were not disclosed prior to enrollment, the parent retains the right to object to those materials pursuant to subsection A.

C. A charter school may require that any request to review learning materials or activities or to withdraw the student from learning materials or activities pursuant to subsection A be made in writing.

D. A public educational institution shall obtain signed, written consent from a student's parent or guardian before using video, audio or electronic materials that may be inappropriate for the age of the student.

E. For the purposes of this section:

1. "Objects to any learning material or activity on the basis that it is harmful" means objections to a material or activity because of sexual content, violent content, or profane or vulgar language.
2. "Public educational institution" means any of the following:
 - (a) A school district, including its schools.
 - (b) A charter school.
 - (c) An accommodation school.
 - (d) The Arizona state schools for the deaf and the blind.

A.R.S. § 15-117 – Surveys; pupil information; parental permission and informed consent; exceptions; penalties; definitions



A. Notwithstanding any other law, each school district and charter school shall obtain written informed consent from the parent of a pupil before administering any survey that is retained by a school district, a charter school or the department of education for longer than one year and that solicits personal information about the pupil regarding any of the following:

1. Critical appraisals of another person with whom a pupil has a close relationship.
2. Gun or ammunition ownership.
3. Illegal, antisocial or self-incriminating behavior.
4. Income or other financial information.
5. Legally recognized privileged or analogous relationships, such as relationships with a lawyer, physician or member of the clergy.
6. Medical history or medical information.
7. Mental health history or mental health information.
8. Political affiliations, opinions or beliefs.
9. Pupil biometric information.
10. The quality of home interpersonal relationships.
11. Religious practices, affiliations or beliefs.
12. Self-sufficiency as it pertains to emergency, disaster and essential services interruption planning.
13. Sexual behavior or attitudes.
14. Voting history.

B. At the beginning of every school year, every school district and charter school shall obtain written informed consent from the parent of a pupil to participate in any survey pursuant to subsection A of this section for the entire year. A parent of a pupil may at any time revoke consent for the pupil to participate in any survey pursuant to subsection A of this section. For any pupil who is at least eighteen years of age, the permission or consent that would otherwise be required from the pupil's parent pursuant to this section is required only from the pupil. All surveys conducted pursuant to subsection A of this section shall be approved and authorized by the school district or charter school. The school district or charter school is subject to the



penalties prescribed in subsection L of this section. A teacher or other school employee may not administer

any survey pursuant to subsection A of this section without written authorization from the school district or charter school.

C. This section applies to all surveys conducted pursuant to subsection A of this

section: 1. Regardless of the stated purpose of the survey.

2. Regardless of the quantity or percentage of questions that solicit data pursuant to subsection A of this section.

3. Including written or digital surveys.

D. This section does not apply to:

1. Mental health screening pursuant to section 15-104 or the identification of or programming for children with disabilities or gifted pupils pursuant to chapter 7, articles 4 and 4.1 of this title.

2. Class instruction, discussion or assignments on subjects within the purview of the course.

3. Private schools.

4. Any nationally recognized college entrance exam that a student chooses to take regardless if the administration of the exam takes place on public school property.

5. Any survey conducted that contains questions soliciting information pursuant to subsection A of this section if the survey does not require a student's name or any other personally identifiable information.

6. Any survey conducted or implemented by the Arizona criminal justice commission.

7. Any method of surveying a student that is conducted because a person has a reasonable belief that a minor is or has been a victim of abuse pursuant to section 13-3620.

E. A penalty may not be imposed on a pupil or the parent of a pupil who does not participate in any survey conducted pursuant to subsection A of this section. Participation in any survey pursuant to subsection A of this section is not required:



1. To demonstrate that a pupil has met competency requirements for any grade level, course or subject.

2. For a pupil to qualify for placement into any grade level, course or subject. 3. For a pupil to be promoted to the next grade.

4. For a pupil to receive credit for any course or as part of a letter grade for any course. 5. For a pupil to graduate from high school.

6. For a pupil to obtain a high school equivalency diploma.

F. A school district or charter school shall provide an alternative educational activity for any pupil whose parent does not consent for that pupil to participate in a survey conducted pursuant to subsection A of this section.

G. Any pupil whose parent does not give written informed consent for that pupil to participate in any survey pursuant to subsection A of this section and who attends the alternative educational activity pursuant to this section shall be counted toward daily attendance and average daily membership for the school pursuant to section 15-901 and may not be counted absent from school.

H. Responses to any survey pursuant to subsection A of this section may not be included:

1. As part of a school academic performance indicator pursuant to section 15-241, or as part of any other similar school rating system.

2. In the education learning and accountability system pursuant to section 15-249, or in any other similar system.

3. In the student accountability information system pursuant to section 15-756.10 or 15-1041, or in any other similar system.

I. A penalty may not be imposed on and a reward may not be granted to a teacher, administrator, other school employee, school district, school or charter school based on the pupil participation rate in any survey conducted pursuant to subsection A of this section.

J. On request, a charter school or school district shall provide any available information in a timely manner to the parent of a pupil regarding a survey administered pursuant to subsection A of this section including:

1. The name of the survey.



2. The date or dates on which the survey will be administered.
3. The method or methods of administering the survey.
4. The amount of time required to administer the survey.
5. The type of information collected by the survey.
6. The reasons for administering the survey.

K. A parent of a pupil that has a reasonable belief that a school district or charter school has violated this section may file a complaint with the attorney general or the county attorney for the county in which an alleged violation of this section occurred. The attorney general or the county attorney for the county in which an alleged violation of this section occurred may initiate a suit in the superior court in the county in which the school district or charter school is located for the purpose of complying with this section. After receiving written notice of an alleged failure to comply with this section, a school district or charter school that determines that a violation has occurred is not subject to a penalty or cause of action under this section if the school district or charter school cures the violation. For the purposes of this subsection, "cure" means to destroy any information gathered in violation of this section and to provide written instruction to the individual circulating the survey, to be kept on file for one year after receipt of the written notice of the alleged failure to comply.

L. For each violation of this section, the court may impose a civil penalty not to exceed five hundred dollars. The school district or charter school determined to be out of compliance with this section shall be responsible for the payment of all penalties.

M. An attorney acting on behalf of a public school may request a legal opinion of the county attorney or attorney general as to whether the public school would violate this section.

N. All penalties collected by the court for a suit initiated in superior court by the attorney general shall be paid to the office of the attorney general for the use and reimbursement of costs of prosecution pursuant to this section. All penalties collected by the court for a suit initiated in superior court by a county attorney shall be paid to the county treasurer of the county in which the court is held for the use and reimbursement of costs of prosecution pursuant to this section.

O. For the purposes of this section:

1. "Parent" has the same meaning prescribed in section 15-101, except that parent does not mean this state if the pupil is a ward of the state.

2. "Survey" means:

- (a) When used as a noun, an instrument that investigates the attitudes,



behaviors, beliefs, experiences, opinions or thoughts of a pupil or group of pupils.

(b) When used as a verb, to use an instrument to investigate the attitudes, behaviors, beliefs, experiences, opinions or thoughts of a pupil or group of pupils.

A.R.S. § 15-351 – School councils; duties; membership

A. The purpose of this section is to ensure that individuals who are affected by the outcome of a decision at the school site share in the decision making process.

B. Each school shall establish a school council. A governing board may delegate to a school council the responsibility to develop a curriculum and may delegate any additional powers that are reasonably necessary to accomplish decentralization. The school council shall take into

consideration the ethnic composition of the local community and, except as provided in section 15-352, shall consist of the following members:

1. Parents or guardians of pupils enrolled in the school. A parent or guardian who is employed by the school district may serve as a member of the school council if the parent or guardian is not employed at the same school where the parent or guardian's child is enrolled.
2. Teachers.
3. Noncertified employees.
4. Community members.
5. Pupils, if the school is a high school.
6. The principal of the school.

C. Each group specified in subsection B of this section shall select its school council appointees and shall submit the names of its respective representatives to the principal. The initial representatives shall be selected at public meetings held at the school site, and, thereafter, representatives shall be selected by their groups in the manner determined by the school council. Schools shall give notice of the public meeting where the initial representatives of the groups shall be selected, clearly stating its purpose, time and place. The notice shall be posted in at least three different locations at the school site and in the community and shall be given to pupils for delivery to their parents or guardians.

D. The governing board shall determine the initial number of school council members.



Thereafter, the school council shall determine the number. The number of teachers and parents or guardians of pupils enrolled at the school shall be equal. Teachers and parents or guardians of pupils enrolled at the school shall constitute a majority of the school council members.

E. The school council shall adopt written guidelines that specify the number of school council members and the methods for the selection of school council members.

F. The principal shall serve as chairman of the school council unless another person is elected by a majority of the school council members.

A.R.S. § 15-721 – Common schools; course of study; textbooks; definition

A. The governing board shall approve for common schools the course of study, the basic textbook for each course and all units recommended for credit under each general subject title prior to implementation of the course.

B. If any course does not include a basic textbook, the governing board shall approve all supplemental books used in the course prior to approval of the course.

C. If any course includes a basic textbook and uses supplemental books, the governing board may approve all supplemental books and teaching aids, including instructional computer software, that are used in the course prior to approval of the course.

D. If the course includes a basic textbook and uses supplemental books that have not been approved by the governing board at the time of approval of the course, a teacher may use the supplemental books at any time during the school year. Use of the supplemental books shall be brought to the attention of the governing board during the school year in which they are added for ratification.

E. Notwithstanding any other law, subsections B and C do not apply to supplemental books used in courses or programs instituted pursuant to article 4 of this chapter.

F. The governing board shall:

1. Enforce the course of study and select all textbooks used in the common schools and purchase the textbooks from the publishers. District school funds may be budgeted and expended by the governing board for teaching aids, including instructional computer software. For courses that do not require that each student have a textbook other than for classroom instruction, the school district need only purchase one textbook for each student in the largest group that would be receiving classroom instruction at any one time.

2. Require that all meetings of committees authorized for the purposes of textbook



review and selection be open to the public as prescribed in title 38, chapter 3, article 3.1.

3. Make available at the school district office for review by the public, for a period of sixty days prior to formal selection of textbooks, a copy of each textbook that is being considered for selection.

G. For the purposes of this section, "textbook" means printed instructional materials or digital content, or both, and related printed or nonprinted instructional materials, that are written and published primarily for use in school instruction and that are required by a state educational agency or a local educational agency for use by pupils in the classroom, including materials that require the availability of electronic equipment in order to be used as a learning resource.

A.R.S. § 15-722 – High schools; course of study; textbooks; definition

A. The governing board shall approve for high schools the course of study and all units that are recommended for credit under each general subject title before implementing the course.

B. The governing board shall approve for high schools the basic textbook for each course and may purchase the textbooks from the publishers if approved by the governing board. Before the approval of any basic textbook for high schools, the governing board shall do all of the following:

1. Provide information on the school district's website, if the school district maintains a website, on the basic textbooks that are proposed for approval.

2. Require that all meetings of committees authorized for the purposes of textbook review and selection be open to the public pursuant to title 38, chapter 3, article 3.1.

3. Provide an opportunity for public comment for at least sixty days. Public comment may include written comments, oral comments and comments submitted through e-mail.

4. Make available at the school district office for review by the public, for a period of at least sixty days prior to the formal selection of the textbooks, a copy of each textbook that is being considered for selection.

C. If any course does not include a basic textbook, the governing board shall approve all supplemental books that are used in the course before usage.

D. If any course includes a basic textbook and uses supplemental books or instructional computer software, the governing board may approve all supplemental books and instructional computer software that are used in the course before usage.



E. If the course includes a basic textbook and uses supplemental books that have not been approved by the governing board at the time of approval of the course, a teacher may use the supplemental books at any time during the school year. Use of the supplemental books shall be brought to the attention of the governing board during the school year in which they are added for ratification.

F. The governing board shall prescribe up to five textbooks for each course and the teacher, with the consent of the governing board, may use any one of the prescribed textbooks for the purposes of the teacher's course.

G. For the purposes of this section, "textbook" means printed instructional materials or digital content, or both, and related printed or nonprinted instructional materials, that are written and published primarily for use in school instruction and that are required by a state educational agency or a local educational agency for use by pupils in the classroom, including materials that require the availability of electronic equipment in order to be used as a learning resource.

A.R.S. § 15-730 – Access to instructional material by parents and guardians

On written request, school personnel designated by the governing board shall permit parents or guardians access to instructional materials currently used by or being considered for use by the school district by making available at least one copy of the instructional material for review by the parents or guardians. Parents or guardians may take printed textbooks, printed supplementary books and printed subject matter materials from the school district premises for a period of not more than forty-eight hours. Parents or guardians may review all other materials, including films, only on the school district premises for a period of not more than forty-eight hours. Parents or guardians may review all other materials, including films, only on the school district premises.