

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S3/9/21

A Bill

SENATE BILL 389

5 By: Senator B. Ballinger
6 By: Representatives Bentley, Gonzales, Pilkington
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For An Act To Be Entitled

9 AN ACT TO REQUIRE THAT A PUBLIC SCHOOL PROVIDE TO
10 PARENTS AND LEGAL GUARDIANS OF PUBLIC SCHOOL STUDENTS
11 PRIOR WRITTEN NOTIFICATION OF AND AN OPPORTUNITY TO
12 INSPECT MATERIALS RELATED TO SEX EDUCATION, SEXUAL
13 ORIENTATION, AND GENDER IDENTITY; AND FOR OTHER
14 PURPOSES.
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Subtitle

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18 *TO REQUIRE A PUBLIC SCHOOL TO PROVIDE TO*
19 *PARENTS AND LEGAL GUARDIANS PRIOR WRITTEN*
20 *NOTIFICATION OF AND AN OPPORTUNITY TO*
21 *INSPECT MATERIALS RELATED TO SEX*
22 *EDUCATION, SEXUAL ORIENTATION, AND GENDER*
23 *IDENTITY.*
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code Title 6, Chapter 16, Subchapter 10, is
29 amended to add an additional section to read as follows:

30 6-16-1005. Parental notice and consent.

31 (a) As used in this section:

32 (1) "Gender identity" means the same as is used in the
33 Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition; and

34 (2) "Sexual orientation" means an individual's actual or
35 perceived orientation as heterosexual, homosexual, or bisexual.

36 (b)(1) A public school shall make the following, as they relate to sex



1 education, sexual orientation, and gender identity, available for inspection
2 by parents and legal guardians of participating public school students:

3 (A) Curricula;

4 (B) Materials;

5 (C) Tests;

6 (D) Surveys;

7 (E) Questionnaires;

8 (F) Activities; and

9 (G) Instruction of any kind.

10 (2) Information made available for inspection under subdivision
11 (b)(1) of this section shall be made available regardless of whether any of
12 the listed items are offered as part of a sex education class or program or
13 as part of any other class, activity, or program.

14 (c)(1) A public school shall provide:

15 (A) Prior written notification to parents and legal
16 guardians of public school students participating in any of the listed items
17 under subdivision (b)(1) of this section; and

18 (B) A means by which parents and legal guardians of public
19 school students participating in any of the listed items under subdivision
20 (b)(1) of this section may:

21 (i) Inspect the items listed under subdivision
22 (b)(1) of this section; and

23 (ii)(a) Notify the public school district in writing
24 if the parent or legal guardian does not want his or her child to participate
25 in any of the items listed under subdivision (b)(1) of this section.

26 (b) A student who is excused from
27 participating in any or all portions of the items listed under subdivision
28 (b)(1) of this section shall not be penalized for grading purposes if the
29 student satisfactorily performs alternative lessons related to health.

30 (2) Each public school shall develop a means of:

31 (A) Providing written notification to parents and legal
32 guardians as required under subdivision (c)(1) of this section that ensures
33 effective notice and the ability of parents and legal guardians to exercise
34 their rights under this section in an efficient and appropriate manner; and

35 (B) Receiving a confirmation of receipt from parents and
36 legal guardians of the written notification required under subdivision (c)(1)

1 of this section.

2 (d) This section does not require:

3 (1) Parental notification before a public school or a public
4 school district employee:

5 (A) Responds to questions posed by public school students
6 during class regarding sex education, sexual orientation, or gender identity
7 as it relates to a topic of instruction; or

8 (B) Refers to the sexual orientation or gender identity of
9 a historical person, group, or public figure when such information provides
10 necessary context in relation to a topic of instruction; or

11 (2) Local public school districts to provide instruction
12 regarding sex education, sexual orientation, or gender identity not otherwise
13 required by law.

14 (e) The requirements under subdivision (c)(1) of this section shall
15 not apply if the listed item under subdivision (c)(1) of this section is
16 directly related to a requirement under the Arkansas academic standards.

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19 /s/B. Ballinger
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