

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

# A Bill

SENATE BILL 389

5 By: Senator B. Ballinger  
6 By: Representatives Bentley, Gonzales, Pilkington  
7

## For An Act To Be Entitled

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

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18 TO REQUIRE A PUBLIC SCHOOL DISTRICT TO  
19 PROVIDE TO PARENTS AND LEGAL GUARDIANS  
20 PRIOR WRITTEN NOTIFICATION OF AND AN  
21 OPPORTUNITY TO INSPECT MATERIALS RELATED  
22 TO SEX EDUCATION, SEXUAL ORIENTATION, AND  
23 GENDER 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:

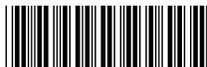
30 6-16-1005. Parental notice and consent.

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 district board of directors shall make the



1 following, as they relate to sex education, sexual orientation, and gender  
2 identity, available for inspection by parents and legal guardians of  
3 participating public school students:

- 4 (A) Curricula;
- 5 (B) Materials;
- 6 (C) Tests;
- 7 (D) Surveys;
- 8 (E) Questionnaires;
- 9 (F) Activities; and
- 10 (G) Instruction of any kind.

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

15 (c)(1) A public school district board of directors shall provide:

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

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

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

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

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

31 (2) Each public school district board of directors shall develop  
32 a means of:

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

1                   (B) Receiving a confirmation of receipt from parents and  
2 legal guardians of the written notification required under subdivision (c)(1)  
3 of this section.

4           (d) This section does not require:

5                   (1) Parental notification before a public school or a public  
6 school district employee:

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

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

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

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