

2018 Regular Session

HOUSE BILL NO. 499

BY REPRESENTATIVE SMITH

CURRICULA: Provides relative to sex education instruction in public schools

1 AN ACT

2 To amend and reenact R.S. 17:3996(B)(15), to enact R.S. 17:270, and to repeal R.S. 17:281,
3 relative to sex education instruction in public schools; to require rather than
4 authorize sex education in public schools; to provide for guidelines and curricula for
5 such instruction; to provide for definitions; to provide for applicability; to provide
6 for rules and regulations; to provide for effectiveness; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:3996(B)(15) is hereby amended and reenacted and R.S. 17:270
10 is hereby enacted to read as follows:

11 §270. Sex education; required instruction

12 A. The legislature finds that sex education promotes healthy attitudes
13 concerning growth and development, body image, gender identity, dating,
14 relationships, and family life and provides students with the information and skills
15 they need to develop positive values, make good decisions, and respect the important
16 role sexuality plays throughout a person's life. Effective sex education instruction
17 is part of a broader instruction program preparing young people to reach intellectual
18 and emotional maturity.

19 B. For the purposes of this Section, the following terms shall have the
20 following meanings:

1 (1) "Age appropriate" means topics, messages, and teaching methods
2 suitable to particular ages or age groups of children and adolescents, based on
3 developing cognitive, emotional, and behavioral capacity typical for the age or age
4 group.

5 (2) "Medically accurate" means supported by peer-reviewed research
6 conducted in compliance with accepted scientific methods and recognized as
7 accurate by leading professional organizations and agencies with relevant
8 experience, such as the American Medical Association.

9 C.(1) The governing authority of each public elementary and secondary
10 school shall provide students, each year, medically accurate, developmentally
11 appropriate, and age appropriate instruction relative to sex education.

12 (2) Such instruction, as appropriate, shall include the following:

13 (a) Information about human sexuality as a normal and healthy aspect of
14 human development.

15 (b) Information stressing that abstinence is the most reliable way to prevent
16 pregnancy and sexually transmitted diseases.

17 (c) The health benefits, side effects, and proper use of contraceptives
18 approved by the federal Food and Drug Administration to prevent unintended
19 pregnancy and of barrier methods approved by the United States Food and Drug
20 Administration to prevent sexually transmitted infections.

21 (d) Information which helps students develop relationship and
22 communication skills necessary to form healthy, age appropriate relationships
23 throughout their lives based on mutual respect and affection and free from violence,
24 coercion, and intimidation.

25 (e) Lessons to help students develop skills in critical thinking, problem
26 solving, decision making, and stress management in order to make responsible
27 decisions about sexuality and relationships.

28 (f) Emphasis on encouraging students to communicate with their parents,
29 guardians, and other trusted adults about sexuality and intimate relations.

1 (3) The governing authority of each public school shall make sex education
2 curriculum materials available to parents and legal guardians upon request.

3 (4) A student shall be excused from sex education instruction upon the
4 written request of a parent or legal guardian, and such student shall not be subject to
5 disciplinary action, academic penalty, or any other sanction.

6 D. No part of sex education instruction shall in any way advocate or support
7 abortion.

8 E. The State Board of Elementary and Secondary Education shall be
9 responsible for the following:

10 (1) Prescribing guidelines and recommending suitable curricula and teaching
11 materials for the required instruction.

12 (2) Requiring minimum qualifications and training for teachers who provide
13 sex education instruction.

14 (3) Adopting rules and regulations, in accordance with the Administrative
15 Procedure Act, to implement the provisions of this Section.

16 F. A public school governing authority may accept federal funds relative to
17 sex education instruction only when the use of such funds does not violate the
18 provisions of this Section.

19 * * *

20 §3996. Charter schools; exemptions; requirements

21 * * *

22 B. Notwithstanding any state law, rule, or regulation to the contrary and
23 except as may be otherwise specifically provided for in an approved charter, a
24 charter school established and operated in accordance with the provisions of this
25 Chapter and its approved charter and the school's officers and employees shall be
26 exempt from all statutory mandates or other statutory requirements that are
27 applicable to public schools and to public school officers and employees except for
28 the following laws otherwise applicable to public schools with the same grades:

29 * * *

1 (15) Teaching regarding sex, R.S. ~~17:281~~ 17:270.

2 * * *

3 Section 2. R.S. 17:281 is hereby repealed in its entirety.

4 Section 3. This Act shall become effective on July 1, 2019.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 499 Original

2018 Regular Session

Smith

Abstract: Requires rather than authorizes sex education in public schools.

Present law authorizes any public elementary or secondary school, including a charter school, to offer instruction in sex education in grades seven and above, provided such instruction and subject matter is integrated into an existing course of study. Provides that the content of such instruction is limited to scientific information and shall not include religious beliefs, practices in human sexuality, or subjective moral and ethical judgments. Provides that the major emphasis of any sex education instruction shall be to encourage sexual abstinence between unmarried persons.

Proposed law requires public school governing authorities, including those of charter schools, to provide instruction in sex education each year to students. Specifies that such instruction be medically accurate and developmentally and age appropriate and include the following:

- (1) Information about human sexuality as a normal and healthy aspect of human development.
- (2) Information stressing that abstinence is the most reliable way to prevent pregnancy and sexually transmitted diseases.
- (3) The health benefits, side effects, and proper use of contraceptives approved by the U.S. Food and Drug Administration (FDA) to prevent unintended pregnancy and of FDA-approved barrier methods to prevent sexually transmitted infections.
- (4) Information which helps students develop skills necessary to form healthy, age appropriate relationships.
- (5) Lessons to help students develop skills in critical thinking, problem solving, decision making, and stress management.
- (6) Emphasis on encouraging students to communicate with parents about sexuality and intimate relations.

Present law provides that the qualifications for all teachers or instructors in sex education shall be established and the selection of all such teachers or instructors shall be made by the school board. Requires approval of materials to be used by the school board and a parental review committee.

Proposed law requires public school governing authorities to make sex education materials available to parents. Requires the State Board of Elementary and Secondary Education

(BESE) to prescribe guidelines and recommend curricula and teaching materials, to prescribe qualifications and training for instructors, and to adopt rules and regulations.

Present law excuses students from instruction upon parental request. Provides that no part of sex education instruction shall in any way advocate or support abortion and authorizes public school governing authorities to accept federal funds when their use does not violate proposed law. Proposed law retains present law.

Effective July 1, 2019.

(Amends R.S. 17:3996(B)(15); Adds R.S. 17:270; Repeals R.S. 17:281)