

By: Van de Putte

S.B. No. 1076

A BILL TO BE ENTITLED

AN ACT

relating to abstinence education in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 28.004, Education Code, is amended by amending Subsections (e) and (g) and adding Subsection (m) to read as follows:

(e) Any course materials and instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus or acquired immune deficiency syndrome shall be selected by the board of trustees with the advice of the local school health advisory council and must:

(1) present abstinence from sexual activity as the healthiest ~~[preferred]~~ choice of behavior ~~[in relationship to all sexual activity]~~ for unmarried persons of school age;

(2) devote more attention to abstinence from sexual activity than to any other behavior;

(3) emphasize that abstinence from sexual activity, if used consistently and correctly, is the only certain way to prevent ~~[method that is 100 percent effective in preventing]~~ pregnancy and ~~[7]~~ sexually transmitted diseases, including ~~[infection with]~~ human immunodeficiency virus and ~~[or]~~ acquired immune deficiency syndrome, and the emotional trauma that may be associated with adolescent sexual activity;

(4) include only scientifically accurate information

1 about the effectiveness of contraceptives and methods of reducing
2 the risk of sexually transmitted diseases and teach contraception
3 in terms of typical use rates, if instruction on contraception is
4 included in the curriculum content [~~direct adolescents to a~~
5 ~~standard of behavior in which abstinence from sexual activity~~
6 ~~before marriage is the most effective way to prevent pregnancy,~~
7 ~~sexually transmitted diseases, and infection with human~~
8 ~~immunodeficiency virus or acquired immune deficiency syndrome];
9 and~~

10 (5) not discourage the use by students who are
11 sexually active of any form of contraception or method approved by
12 the United States Food and Drug Administration of reducing the risk
13 of transmission of sexually transmitted diseases [~~teach~~
14 ~~contraception and condom use in terms of human use reality rates~~
15 ~~instead of theoretical laboratory rates, if instruction on~~
16 ~~contraception and condoms is included in curriculum content)].~~

17 (g) A school district that provides human sexuality
18 instruction may separate students according to gender [~~sex~~] for
19 instructional purposes.

20 (m) In this section:

21 (1) "Scientifically accurate information" means
22 information that is:

23 (A) verified or supported by research conducted
24 in compliance with scientific methods;

25 (B) published in peer reviewed journals, if
26 appropriate; and

27 (C) recognized as accurate and objective by

1 professional organizations and agencies with expertise in the
2 relevant field, including:

3 (i) the Centers for Disease Control and
4 Prevention;

5 (ii) the American Public Health
6 Association;

7 (iii) the Society for Adolescent Medicine;

8 (iv) the American Academy of Pediatrics;

9 and

10 (v) the American College of Obstetricians
11 and Gynecologists.

12 (2) "Typical use rate" means the rate of failure for a
13 method of contraception when that method is not used by a person for
14 each act of sexual intercourse or when that method is not used by a
15 person for each act according to the instructions for that method.
16 The rate is identical to the rate defined as the typical use rate by
17 the United States Food and Drug Administration.

18 SECTION 2. This Act applies beginning with the 2009-2010
19 school year.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2009.