

By: Turner of Tarrant

H.B. No. 40

A BILL TO BE ENTITLED

1 AN ACT
2 relating to health education curriculum and instruction in public
3 schools.

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

5 SECTION 1. This Act may be cited as the Texas Education
6 Works Act.

7 SECTION 2. Section 28.004, Education Code, is amended by
8 amending Subsection (e) and adding Subsection (o) to read as
9 follows:

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

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

18 (2) must devote sufficient ~~[more]~~ attention to
19 abstinence from sexual activity to emphasize the importance of
20 abstinence from sexual activity ~~[than to any other behavior]~~;

21 (3) must emphasize that abstinence from sexual
22 activity, if used consistently and correctly, is the only method
23 that is 100 percent effective in preventing pregnancy, sexually
24 transmitted infections ~~[diseases]~~, sexually transmitted infection

1 with human immunodeficiency virus, ~~[or]~~ acquired immune deficiency
2 syndrome resulting from sexual activity, and the emotional distress
3 that may be ~~[trauma]~~ associated with adolescent sexual activity
4 that results in a sexually transmitted infection or an unintended
5 pregnancy;

6 (4) must direct adolescents to a standard of behavior
7 in which abstinence from sexual activity ~~[before marriage]~~ is the
8 most effective way to prevent pregnancy, sexually transmitted
9 infections ~~[diseases]~~, sexually transmitted ~~[and]~~ infection with
10 human immunodeficiency virus, and ~~[or]~~ acquired immune deficiency
11 syndrome resulting from sexual activity; ~~[and]~~

12 (5) must present age-appropriate information;

13 (6) must be evidence-based;

14 (7) must provide information about the effectiveness
15 of methods approved by the United States Food and Drug
16 Administration for reducing the risk of contracting sexually
17 transmitted infections, including human immunodeficiency virus,
18 and preventing pregnancy;

19 (8) must include strategies to promote effective
20 communication between adolescents and their parents and other
21 family members about values and healthy relationships;

22 (9) must encourage students to develop healthy life
23 skills, including goal setting, responsible decision making,
24 refusal and negotiation, and effective communication;

25 (10) must teach skills for making responsible
26 decisions about sexual activity, including how to avoid unwanted
27 verbal or physical sexual advances and how to avoid making unwanted

1 verbal or physical sexual advances; and

2 (11) may not promote bias against:

3 (A) students of any race, gender, sexual
4 orientation, or ethnic or cultural background;

5 (B) sexually active students; or

6 (C) children with disabilities [~~teach~~
7 ~~contraception and condom use in terms of human use reality rates~~
8 ~~instead of theoretical laboratory rates, if instruction on~~
9 ~~contraception and condoms is included in curriculum content~~].

10 (o) In this section:

11 (1) "Age-appropriate information" means information,
12 including topics, messages, and teaching methods, that is suitable
13 for the particular ages or age groups of children and adolescents to
14 whom the information is to be presented based on the developing
15 cognitive, emotional, and behavioral capacity of children or
16 adolescents of that age or age group.

17 (2) "Evidence-based" means:

18 (A) verified or supported by research that is:

19 (i) in compliance with accepted scientific
20 methods;

21 (ii) published in peer-reviewed journals,
22 if appropriate; and

23 (iii) recognized as medically accurate,
24 objective, and complete by mainstream professional organizations
25 and agencies with expertise in the relevant field, including the
26 Centers for Disease Control and Prevention and the United States
27 Department of Health and Human Services' Office of Adolescent

1 Health; and

2 (B) proven, through rigorous scientific
3 evaluation, to achieve positive outcomes concerning sexually risky
4 behavior or negative health consequences of sexually risky
5 behavior.

6 SECTION 3. (a) A school district that uses instructional
7 materials that do not reflect the requirements prescribed by
8 Section 28.004(e), Education Code, as amended by this Act, shall
9 also use appropriate supplemental instructional materials as
10 necessary to comply with those requirements.

11 (b) A school district that permits a person not employed by
12 the district to present one or more components of the district's
13 human sexuality instruction must require the person to comply with
14 the requirements prescribed by Section 28.004(e), Education Code,
15 as amended by this Act.

16 SECTION 4. This Act applies beginning with the 2013-2014
17 school year.

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect on the 91st day after the last day of the
23 legislative session.