

By: Strama

H.B. No. 3581

A BILL TO BE ENTITLED

AN ACT

relating to health education curriculum and instruction 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 (i) and adding Subsection (n) to read as follows:

(e) Any course materials and instruction relating to human sexuality, sexually transmitted infections [~~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 preferred choice of behavior in relationship to all sexual activity for [~~unmarried~~] persons of school age;

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

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

1 activity that results in a sexually transmitted infection or an
2 unintended pregnancy;

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

8 (5) present age-appropriate information in accordance
9 with national standards;

10 (6) be evidence-based;

11 (7) provide age-appropriate information about the
12 effectiveness of methods approved by the United States Food and
13 Drug Administration for reducing the risk of contracting sexually
14 transmitted infections, including human immunodeficiency virus,
15 and preventing unintended pregnancy;

16 (8) promote healthy relationships and decision-making
17 skills such as strategies:

18 (A) to promote effective communication between
19 adolescents and their parents and other family members or their
20 legal guardians;

21 (B) to develop healthy relationships; and

22 (C) to develop healthy life skills, including
23 goal-setting, responsible decision making, refusal and
24 negotiation, and effective communication; and

25 (9) for middle, junior high, and high school students,
26 discuss the district's dating violence policy adopted under Section
27 37.0831 [~~teach contraception and condom use in terms of human use~~]

1 ~~reality rates instead of theoretical laboratory rates, if~~
2 ~~instruction on contraception and condoms is included in curriculum~~
3 ~~content].~~

4 (i) Before each school year, a school district shall provide
5 written notice to a parent of each student enrolled in the district
6 of the board of trustees' decision regarding whether the district
7 will provide human sexuality instruction to district students. If
8 instruction will be provided, the notice must include:

9 (1) a summary of the basic content of the district's
10 human sexuality instruction to be provided to the student,
11 including a statement informing the parent that the instruction is
12 required by [of the instructional requirements under] state law to:

13 (A) present abstinence from sexual activity as
14 the preferred choice of behavior in relationship to all sexual
15 activity for persons of school age; and

16 (B) devote sufficient attention to abstinence
17 from sexual activity to emphasize the importance of abstinence;

18 (2) a statement of whether the instruction is
19 considered by the district to be abstinence-only instruction or
20 comprehensive instruction, including an explanation of the
21 difference between those types of instruction and a specific
22 statement regarding whether the student will receive information on
23 contraception and condom use;

24 (3) ~~(2)~~ a statement of the parent's right to:

25 (A) review curriculum materials as provided by
26 Subsection (j); and

27 (B) remove the student from any part of the

1 district's human sexuality instruction without subjecting the
2 student to any disciplinary action, academic penalty, or other
3 sanction imposed by the district or the student's school; and

4 (4) [~~3~~] information describing the opportunities
5 for parental involvement in the development of the curriculum to be
6 used in human sexuality instruction, including information
7 regarding the local school health advisory council established
8 under Subsection (a).

9 (n) In this section:

10 (1) "Abstinence-only instruction" means instruction
11 that does not include information about preventing pregnancy,
12 sexually transmitted infections, infection with human
13 immunodeficiency virus, or acquired immune deficiency syndrome
14 through any means other than total abstinence from sexual activity.

15 (2) "Evidence-based" means information verified or
16 supported by research that is:

17 (A) conducted in compliance with accepted
18 scientific methods;

19 (B) published in peer-reviewed journals, if
20 appropriate;

21 (C) recognized as medically accurate, objective,
22 and complete by mainstream professional organizations and agencies
23 with expertise in the relevant field, including the federal Centers
24 for Disease Control and Prevention and the United States Department
25 of Health and Human Services; and

26 (D) proven through rigorous, scientific
27 evaluation to achieve positive outcomes on measures of sexual risk

1 behavior or its health consequences.

2 SECTION 2. (a) A school district that uses instructional
3 materials that do not reflect the requirements prescribed by
4 Section 28.004(e), Education Code, as amended by this Act, shall
5 also use appropriate supplemental instructional materials as
6 necessary to comply with those requirements.

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

12 SECTION 3. This Act applies beginning with the 2013-2014
13 school year.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2013.