

Regular Session, 2010

HOUSE BILL NO. 529

BY REPRESENTATIVE PATRICIA SMITH

CURRICULA: Requires instruction with respect to sex education in public schools

1 AN ACT

2 To amend and reenact R.S. 17:3996(B)(15), to enact R.S. 17:264, and to repeal R.S. 17:281,
3 relative to sex education instruction in public schools; to require rather than
4 authorize sex education instruction in public schools; to provide for guidelines and
5 curricula for such instruction; to provide for definitions; to provide for applicability;
6 to provide for rules and regulations; to provide for effectiveness; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:264 is hereby enacted to read as follows:

10 §264. Sex education; required instruction

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

18 B. For the purposes of this Section, the following terms shall have the
19 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) Beginning with the 2011-2012 school year and continuing thereafter,
10 the governing authority of each public school shall provide each year to students in
11 grades four through twelve medically accurate, developmentally appropriate, and age
12 appropriate instruction, relative to sex education.

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

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

16 (b) The benefits of abstinence and delaying sexual activity and the
17 importance of effectively using contraceptives and barrier methods to prevent
18 unintended pregnancy and to protect against sexually transmitted infections.

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

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

26 (e) Emphasis on encouraging students to communicate with their parents,
27 guardians, and other trusted adults about sexuality and intimate relations.

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

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

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

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

8 (1) Prescribing guidelines and suitable curricula and teaching materials for
9 the required instruction.

10 (2) Requiring minimum qualifications for teachers who provide sex
11 education instruction.

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

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

17 Section 2. R.S. 17:3996(B)(15) is hereby amended and reenacted to read as follows:

18 §3996. Charter schools; exemptions

19 * * *

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

27 * * *

28 (15) Teaching regarding sex, ~~R.S. 17:281~~, R.S. 17:264.

29 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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

2 Section 4. Sections 2 and 3 of this Act shall become effective on July 1, 2011.

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)]

Patricia Smith

HB No. 529

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

Present law authorizes instruction in sex education as a permitted course of study. Proposed law repeals present law effective July 1, 2011, and requires, as of the 2011-2012 school year, public school governing authorities to provide instruction in sex education each year to students in grades four through 12. 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) Benefits of abstinence and delaying sexual activity and importance of using contraceptives and barrier methods to prevent unintended pregnancy and sexually transmitted infections.
- (3) Information which helps students develop skills necessary to form healthy, age appropriate relationships.
- (4) Lessons to help students develop skills in critical thinking, problem solving, decision making, and stress management.
- (5) Emphasis on encouraging students to communicate with parents about sexuality and intimate relations.

Requires public school governing authorities to make sex education materials available to parents and excuses students from instruction upon parental request. Requires BESE to prescribe guidelines, curricula, and teaching materials; to prescribe qualifications for instructors; and to adopt rules and regulations.

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.

(Amends R.S. 17:3996(B)(15); Adds R.S. 17:264; Repeals R.S. 17:281)