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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1899

02/28/2019 Authored by Bernardy
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; requiring healthy and safe relationships instruction;
1.3 appropriating money; proposing coding for new law in Minnesota Statutes, chapter
1.4 121A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 121A.24 HEALTHY AND SAFE RELATIONSHIPS EDUCATION.

1.7 Subdivision 1. Healthy and safe relationships curriculum. (a) The commissioner of
1.8 education, in consultation with the Department of Health, must assist districts and charter
1.9 schools in developing and implementing a healthy and safe relationships curriculum that,
1.10 among other goals, seeks to prevent and reduce the incidence of sexual assault. Each district
1.11 must have a curriculum that includes age-appropriate instruction on healthy and safe
1.12 relationships in grades 6 to 12 and includes at least the following:

- 1.13 (1) planning materials and guidelines;
1.14 (2) in-service training for appropriate district staff and school board members;
1.15 (3) collaboration with local community health services, agencies, and organizations
1.16 having similar teaching programs;
1.17 (4) participation by state and local student organizations; and
1.18 (5) age-appropriate information on affirmative consent.

1.19 (b) If a district fails to develop and implement a healthy and safe relationships curriculum,
1.20 the department must assist the service cooperative in the region serving that district or
1.21 charter school to develop or implement the program.

2.1 (c) "Affirmative consent" curriculum as used in this section includes the following topics:

2.2 (1) all parties to sexual activity must affirmatively express their consent to the activity.

2.3 Consent must be knowing and voluntary and not the result of force, coercion, or intimidation.

2.4 Consent must be active. Consent must be given by words or actions that create mutually

2.5 understandable, unambiguous permission regarding willingness to engage in, and the

2.6 conditions of, sexual activity;

2.7 (2) silence, lack of protest, or failure to resist, without active indications of consent, is

2.8 not consent;

2.9 (3) consent to any one form of sexual activity does not imply consent to any other forms

2.10 of sexual activity;

2.11 (4) consent may be withdrawn at any time;

2.12 (5) previous relationships or prior consent do not imply consent to future sexual acts;

2.13 and

2.14 (6) a person is deemed incapable of consenting when that person is unable to

2.15 communicate or understand the nature or extent of a sexual situation due to mental or

2.16 physical incapacitation or impairment, the influence of drugs or alcohol, or because the

2.17 person is asleep.

2.18 Subd. 2. **Funding sources.** (a) The commissioner of education must provide funding to

2.19 districts and charter schools for up to 12 hours of in-service training per year to implement

2.20 a healthy and safe relationships curriculum.

2.21 (b) In addition to funds received under paragraph (a), districts and charter schools may

2.22 accept funds for healthy and safe relationships curriculum developed and implemented

2.23 under this section from public and private sources, including public health funds and

2.24 foundations, department professional development funds, federal block grants, or other

2.25 federal or state grants.

2.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.27 Sec. 2. **APPROPRIATION.**

2.28 Subdivision 1. **Department of Education.** The sums indicated in this section are

2.29 appropriated from the general fund to the Department of Education for the fiscal years

2.30 designated.

2.31 Subd. 2. **Healthy and safe relationships instruction.** To assist districts in implementing

2.32 a healthy and safe relationships curriculum according to Minnesota Statutes, section 121A.24:

3.1 \$ 2020

3.2 \$ 2021