

# State Profiles **FISCAL YEAR 2017**

## STATE LAWS AND POLICIES ACROSS THE UNITED STATES

A patchwork of laws relating to sexuality education exist across the country, with varying requirements. In some states, this has meant a lack of access to sexuality education or certain components of sexuality education, and in many others no access to comprehensive sexuality education for young people. In response to the lack of uniformity in laws and policies regarding sexuality education across the nation, the following series of tables has been developed to assist with clarifying the state of sexuality, HIV/STI, and healthy relationship education in the United States.

### How to read these tables

In general, these tables address whether states must provide sexuality, HIV/STI, and/or healthy relationship education in the United States; the quality of that education; what topics are included; and the rights parents and guardians may have regarding their children receiving such education. Each of the numbered headings below correspond to their respectively numbered tables. For additional context, please refer to the footnotes at the end each table.

#### **1. Requirements and quality of education**

This first table outlines which states mandate sexuality, HIV/STI, and/or healthy relationship education. The “Xs” with an asterisk (\*) indicate that the mandate is either found in the state’s administrative laws, regulations, or rules; policies; or curriculum standards. Still, these requirements have the full force and effect of law. Additionally, this table notes whether the education must be age-appropriate, evidence-based, culturally appropriate, and/or medically accurate, when taught in the state. To be clear, these quality standards may apply even if the type of education is not mandated. In other words, if a school elects to teach at least one of the three types of education tracked, then it must adhere to additional requirements.

#### **2. Additional requirements – Sex education or HIV/STI instruction**

This table describes the requirements to which a school must adhere if it elects to provide sexuality education or HIV/STI instruction. These additional requirements fall into several distinct categories:

- **Inclusion, or lack thereof, of lesbian, gay, bisexual, transgender, or queer (LGBTQ) people** – Language surrounding LGBTQ people varies tremendously in states’ education laws across the country. These laws can be categorized as being either “inclusive,” “neutral,” or “discriminatory” toward LGBTQ people. Cells that are blank indicate states that do not have any explicit language concerning LGBTQ people, instruction, or materials.
  - Inclusive laws describe state education laws that affirmatively recognize different sexual orientations and gender identities/expressions (SOGIE) or teach the dignity and worth of all people, regardless of SOGIE in its health education instruction.
  - Neutral laws require teachers to teach about current state laws surrounding “homosexuality” or to ensure that health education instruction is free from

biases based on SOGIE, appropriate for all students regardless of SOGIE, or not discriminatory towards LGBTQ people. Although some of the “neutral” laws have positive impacts on students, especially LGBTQ students, these laws do not affirmatively recognize SOGIE, but rather provide the minimum standards by which students should be treated.

- Discriminatory laws either require teachers to portray LGBTQ people in a stigmatizing and negative way or prohibit teachers from even mentioning LGBTQ people. These types of laws are detrimental to all students and deprive LGBTQ students of relevant, vital health education instruction.
- **Marriage promotion** – There are state laws containing language that require teachers to promote marriage—described explicitly as heterosexual and monogamous in many states—during sex education and HIV/STI instruction. Many of these laws perpetuate the misconception that marriage is the only way to prevent unintended pregnancies, HIV, and other STIs. However, this is a misguided belief that contributes to both the stigma and isolation of married people who do have unintended pregnancies or contract HIV/STIs and the fallacy that unintended pregnancies, HIV, and other STIs are nonexistent or disappear in a marriage.
- **Healthy relationships instruction** – For this category, healthy relationships instruction includes instruction on communication skills, decision-making skills, violence prevention, child sexual abuse, consent, or sex trafficking. If a state law requires sex education or HIV/STI instruction and also requires instruction in one of these healthy relationship topics, then the state is required to include healthy relationships instruction if sexuality education or HIV/STI instruction is provided. In other words, this column in the table indicates which states have sexuality education or HIV/STI instruction that includes discussion of the aforementioned healthy relationship topics as part of the instruction.
- **Teacher training requirements** – Quality sexuality education is provided by well-trained educators, therefore tracking which states require schools to include some sort of teacher training is critical. States had three different types of teacher training requirements and sometimes required more than one type.
  - Provide teacher training – These types of laws require schools to provide or make available in-service teacher training for school officials, including administrators and teachers. It is often unclear whether attendance of school officials for trainings is mandated.
  - Require a certificate or expertise to teach – These types of laws require teachers or guest speakers and educators to possess a valid certificate to teach the specific health education course. Some laws require guest speakers to have expertise in health education to teach.

- Require teachers to attend training – Many laws require school officials to attend teacher training on relevant health education topics.

The teacher training requirement in this table specifically refers to sexuality education or HIV/STI instruction. For further information on teacher training requirements specifically for healthy relationship topics and instruction, please see table three.

### 3. Additional requirements – Healthy relationship instruction

The third table tracks each states’ laws surrounding healthy relationship instruction, including which topics must be taught and whether the state requires a teacher training component, if healthy relationship topics are provided by the school. This table tracks two types of healthy relationship instruction – (1) topics required by the states’ sexuality education and HIV/STI instruction laws and (2) healthy relationship instruction laws that are standalone from sexuality education and HIV/STI instruction. As there are some states that do not require sexuality or HIV/STI education, but do require a type of healthy relationship instruction, this table reflects those differences. This table does not track which healthy relationship topics are mandated by law, but rather which topics are required to be taught if some sort of healthy relationship instruction is required, either through a standalone law or as part of the state’s sexuality or HIV/STI education law.

### 4. Parent/Guardian notification

This final table indicates whether there is an opportunity for parents or guardians to either opt-out or opt-in of each type of instruction on behalf of their children and if there is language in the law that requires schools to either make the materials available for public view or for parents/guardians to review. Under an opt-in policy, teachers need written permission from a parent (or legal guardian) before a student can attend a sexuality education class. Most states and school districts rely instead on opt-out policies for sexuality education, which automatically enroll all students, but allow parents to remove their children from instruction without penalty. Opt-out policies usually require school districts to send written notification to parents before sexuality education lessons are taught, including information on what is being taught and who will be teaching the class. It is then the responsibility of parents to inform the school district in writing if they do not wish their child to attend those lessons.

#### Highlights

- 0 states require student instruction in human trafficking.
- 21 states do not require sexuality education or HIV/STI instruction to be either age-appropriate, medically accurate, culturally appropriate, nor evidence-based/-informed.
- Only 4 states require health education instruction to affirmatively recognize different SOGIE or affirm the dignity and worth of all people, regardless of SOGIE.
- 7 states explicitly require teachers to portray LGBTQ negatively in health education instruction or prohibit teachers from mentioning LGBTQ people.

- Only 1 state requires student instruction on consent, or the affirmative, conscious, and voluntary agreement to engage in sexual activity.
- Only 2 states require student instruction on sex trafficking.
- 31 states require schools to stress abstinence when sexuality or HIV/STI education is provided.
- Only 7 states require culturally appropriate sexuality education and HIV/STI instruction.
- 29 states and the District of Columbia mandate sexuality education.
- 16 states require instruction on condoms or contraception when sexuality or HIV/STI education is provided.

From Policy to Practice: How to use this resource to enact change

If you are an advocate:

- Advocate for comprehensive sexuality education programs that honor and respect the rights of young people, providing them with the tools they need to live healthy lives.
- Require sexuality education and HIV/STI instruction to be age-appropriate, medically accurate, and culturally appropriate.
- Ensure teachers providing sexuality education receive ongoing training on HIV/STI, healthy relationships, and consent.
- Work to remove state-level legal and policy barriers to LGBTQ-inclusive sexuality education in schools and require LGBTQ-inclusive programs.
- Form coalitions with parents, educators, and policy makers to improve sexuality education in your state and your school district.

If you are a policy maker:

- Fund and/or support comprehensive sexuality education programs. Ensure policies for sexuality education will equip young people with the knowledge, skills, attitudes, and values they have a right to and need to live healthy lives. Reject harmful programs that do not include information that is age-appropriate, medically accurate, and culturally appropriate.
- Develop sexuality education policies that align with the National Sexuality Education Standards.
- Work to remove state-level legal and policy barriers to LGBTQ-inclusive sexuality education in schools and require LGBTQ-inclusive programs.
- Require parental opt-out (vs. opt-in) policies.
- Eliminate funding and/or support for harmful and ineffective abstinence-only-until-marriage programs.

S = Sexuality Education  
HIV = HIV/STI Education  
HR = Healthy Relationship Education

## 1. REQUIREMENTS AND QUALITY OF EDUCATION

State	Sexuality Education Mandated	HIV/STI Education Mandated	Healthy Relationship Education Mandated	If sexuality education, HIV/STI, or healthy relationships instruction is provided, then instruction must be			
				age-appropriate	evidence-based	culturally appropriate	medically accurate
Alabama		X*	X	S, HIV, HR	HR	HR	
Alaska			X	HR			
Arizona				HIV			HIV
Arkansas			X	HR	HR	HR	
California	X	X	X	S, HIV, HR		S, HIV, HR	S, HIV, HR
Colorado <sup>^</sup>				S, HIV, HR	S, HIV, HR	S, HIV, HR	S, HIV, HR
Connecticut		X					
Delaware	X*	X*	X	HR	HR		
District of Columbia	X*	X*	X*	S, HIV, HR	S, HIV		
Florida	X		X	HIV			
Georgia	X	X					
Hawaii	X*	X*	X*	S, HIV, HR			S, HIV, HR
Idaho							
Illinois		X	X	S, HIV, HR			S, HIV, HR
Indiana	X	X			HR		
Iowa	X	X	X	S, HIV, HR	S, HIV, HR	S, HIV, HR	S, HIV, HR
Kansas	X*						
Kentucky	X*	X*	X*	HR			
Louisiana	X*	X*	X	S, HIV, HR			
Maine	X	X		S, HIV			S, HIV
Maryland	X*	X*	X	HR			
Massachusetts							
Michigan		X		S, HIV, HR	HR		
Minnesota	X	X					
Mississippi	X			S			

<sup>^</sup> Colorado recognizes that there is a need “to ensure that all young people in Colorado have access to evidence-based, medically accurate, culturally sensitive, and age-appropriate comprehensive sexuality education, information, and resources to guide them in making informed decisions about their health and relationships.” However, there is no sexuality, HIV/STI, or healthy relationship education mandated in Colorado.

\* Policies included in the table are state laws and state-wide rules, regulations, or standards that have the force of law. For a complete explanation of each state’s sexuality and HIV/STI education policies, please refer to the law and policy section of each State Profile.

S = Sexuality Education  
HIV = HIV/STI Education  
HR = Healthy Relationship Education

## 1. REQUIREMENTS AND QUALITY OF EDUCATION (CONTINUED)

State	Sexuality Education Mandated	HIV/STI Education Mandated	Healthy Relationship Education Mandated	If sexuality education, HIV/STI, or healthy relationships instruction is provided, then instruction must be			
				age-appropriate	evidence-based	culturally appropriate	medically accurate
Missouri		X	X	S, HIV, HR			S, HIV, HR
Montana	X*	X*	X*				
Nebraska			X	HR			
Nevada	X	X	X*	S, or HIV			
New Hampshire	X*	X	X*				
New Jersey	X*	X*	X	S, HIV, HR	Evidence-informed <sup>+</sup>	S, HIV, HR	S, HIV, HR
New Mexico	X*	X	X	HIV, HR	informed HR		
New York		X*	X*	HIV			
North Carolina	X	X	X	S, HIV, HR	S, HIV, HR		
North Dakota	X						
Ohio		X	X	HR			
Oklahoma		X		HR	Evidence-informed <sup>+</sup>	HR	HIV
Oregon	X	X	X	S, HIV, HR	HR	S, HIV, HR	S, HIV, HR
Pennsylvania		X		HIV			
Rhode Island	X*	X	X	S, HIV, HR		S, HIV, HR	S, HIV, HR
South Carolina	X	X	X	S, HIV, HR			
South Dakota							
Tennessee	X	X		S, HIV, HR			S, HIV, HR
Texas	X*	X*	X	S, HIV			
Utah	X	X		HR		S, HIV <sup>Φ</sup>	S, HIV, HR
Vermont	X	X	X	HR			
Virginia				S, HIV, HR	HR		
Washington		X	X	HR	HR	HR	HIV
West Virginia		X					
Wisconsin		X					HIV
Wyoming	X	X*	X*				

<sup>+</sup> Evidence-informed programs use the best available research and practice knowledge to guide program design and implementation; however, due to a number of factors such as lack of funding, have not received the level of evaluation that evidence-based programs have received.

\* Policies included in the table are state laws and state-wide rules, regulations, or standards that have the force of law. For a complete explanation of each state's sexuality, HIV/STI, and healthy relationships education policies, please refer to the law and policy section of each State Profile.

<sup>Φ</sup> Source: Guttmacher Institute. (2017, October). *Sex and HIV Education*. Retrieved from <https://www.guttmacher.org/state-policy/explore/sex-and-hiv-education>.

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## 2. ADDITIONAL REQUIREMENTS – SEXUALITY EDUCATION AND HIV/STI INSTRUCTION

State	If sexuality education or HIV/STI instruction is provided then must						
	Stress or Cover		Be Inclusive, Neutral, or Discriminatory toward LGBTQ People	Prohibit Abortion	Promote Marriage	Include healthy relationships instruction <sup>†</sup>	Include a teacher training requirement <sup>‡</sup>
	Abstinence	Contraception					
Alabama	Stress	Cover	Discriminatory		X	X	
Alaska							2
Arizona	Stress		Discriminatory		X	X	
Arkansas	Stress			X	X		
California	Stress	Cover	Inclusive		X	X	1, 2, 3
Colorado	Stress	Cover	^			X	
Connecticut				X			1
Delaware	Stress		Neutral <sup>§</sup>				
District of Columbia		Cover	Neutral			X	1, 3
Florida	Stress				X	X	
Georgia	Stress				X		
Hawaii	Stress	Cover				X	
Idaho							
Illinois	Stress	Cover			X	X	
Indiana	Stress				X		
Iowa			Neutral			X	
Kansas							
Kentucky	Cover						
Louisiana	Stress		Discriminatory	X	X	X	
Maine	Stress	Cover					1
Maryland						X	1, 3
Massachusetts			Inclusive				
Michigan	Stress	Cover		X	X	X	1, 2, 3
Minnesota	Cover						1
Mississippi	Stress		Neutral	X	X		

<sup>†</sup> This section tracks whether there is a healthy relationships instruction component if sexuality or HIV/STI education is provided. Healthy relationship education in this guide refers to instruction in at least one of the following categories: communication skills, decision-making skills, violence prevention, child sex abuse, consent, characteristics of a healthy relationship, and sex trafficking. Violence prevention instruction refers only to prevention of violence in the context of relationships or sexual violence, such as domestic abuse/violence, dating abuse/violence, intimate partner violence, sexual abuse and assault, rape, unwanted sexual advances, and child abuse.

<sup>^</sup> Colorado recognizes that “youth have a right to receive medically and scientifically accurate information to empower them to make informed decisions that promote their individual physical and mental health and well-being,” and that “this right applies to all youth, regardless of...sexual orientation or gender expression.” However, there is no law in Colorado that ensures this right.

<sup>‡</sup> This indicates whether schools in the state must: 1) provide teacher training, 2) require a certificate or expertise to teach, and/or 3) require teachers to attend training. For more information, please refer to the introduction portion of this document.

<sup>§</sup> Source: Guttmacher Institute. (2017, October). *Sex and HIV Education*. Retrieved from <https://www.guttmacher.org/state-policy/explore/sex-and-hiv-education>.

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State	If sexuality education or HIV/STI instruction is provided then must						
	Stress or Cover		Be Inclusive, Neutral, or Discriminatory toward LGBTQ People	Prohibit Abortion	Promote Marriage	Include healthy relationships instruction <sup>⌞</sup>	Include a teacher training requirement <sup>⊖</sup>
	Abstinence	Contraception					
Missouri	Stress	Cover			X	X	
Montana						X	
Nebraska							
Nevada						X	
New Hampshire						X	
New Jersey	Stress		Inclusive			X	
New Mexico	Cover	Cover	Neutral <sup>⊖</sup>			X	
New York	Stress	Cover					1, 2
North Carolina	Stress	Cover	Discriminatory		X	X	1
North Dakota	Cover				X		
Ohio	Stress				X	X	
Oklahoma	Stress		Discriminatory				
Oregon	Stress	Cover	Inclusive			X	
Pennsylvania	Stress						
Rhode Island	Stress		Neutral			X	
South Carolina	Stress	Cover	Discriminatory	X	X	X	
South Dakota	Cover						
Tennessee	Stress				X	X	
Texas	Stress		Discriminatory		X	X	
Utah	Stress				X		1
Vermont	Cover	Cover				X	
Virginia	Stress				X	X	
Washington	Stress	Cover	Neutral				
West Virginia					X <sup>⊖</sup>		
Wisconsin	Stress		Neutral		X		
Wyoming						X	

<sup>⌞</sup> This section tracks whether there is a healthy relationships instruction component if sexuality or HIV/STI education is provided. Healthy relationship education in this guide refers to instruction in at least one of the following categories: communication skills, decision-making skills, violence prevention, child sex abuse, consent, characteristics of a healthy relationship, and sex trafficking. Violence prevention instruction refers only to prevention of violence in the context of relationships or sexual violence, such as domestic abuse/violence, dating abuse/violence, intimate partner violence, sexual abuse and assault, rape, unwanted sexual advances, and child abuse.

<sup>⊖</sup> This indicates whether schools in the state must: 1) provide teacher training, 2) require a certificate or expertise to teach, and/or 3) require teachers to attend training. For more information, please refer to the introduction portion of this document.

\*This state requires including information on sexual orientation in sex education; however, does not meet the *inclusive* or *neutral* definitions

<sup>⊖</sup> Source: Guttmacher Institute. (2017, October). *Sex and HIV Education*. Retrieved from <https://www.guttmacher.org/state-policy/explore/sex-and-hiv-education>.



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### 3. ADDITIONAL REQUIREMENTS – HEALTHY RELATIONSHIPS INSTRUCTION

State	If healthy relationships instruction is provided then must						
	Include a teacher training requirement <sup>o</sup>	Teach About					
		Communication Skills	Decision-making Skills	Violence Prevention	Child sex abuse	Consent <sup>o</sup>	Sex trafficking
Alabama	1	X		X	X		
Alaska	1, 2, 3			X			
Arizona					X		
Arkansas				X			
California	1, 2, 3	X	X	X		X	X
Colorado		X	X	X			
Connecticut	1						
Delaware	1, 3	X	X	X	X		
District of Columbia	1, 3		X	X			
Florida				X			
Georgia							
Hawaii		X	X	X			
Idaho							
Illinois	1			X			
Indiana							
Iowa	1			X			
Kansas							
Kentucky		X	X	X			
Louisiana	1	X	X	X			
Maine		X	X				
Maryland	1, 2			X			
Massachusetts							
Michigan	1, 2		X				
Minnesota			X				
Mississippi							

<sup>o</sup>This indicates whether schools in the state must: 1) provide teacher training, 2) require a certificate or expertise to teach, and/or 3) require teachers to attend training. For more information, please refer to the introduction portion of this document.

<sup>o</sup> Consent means the affirmative, conscious, and voluntary agreement to engage in sexual activity.

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### 3. ADDITIONAL REQUIREMENTS – HEALTHY RELATIONSHIPS INSTRUCTION (CONTINUED)

State	If healthy relationships instruction is provided then must						
	Include a teacher training requirement <sup>o</sup>	Teach About					
		Communication Skills	Decision-making Skills	Violence Prevention	Child sex abuse	Consent <sup>q</sup>	Sex trafficking
Missouri	1, 3		X	X			
Montana		X	X				
Nebraska	1			X			
Nevada		X	X				
New Hampshire		X	X	X			
New Jersey		X	X	X			
New Mexico		X	X	X			
New York	1, 3				X		
North Carolina	1	X	X	X	X		X
North Dakota							
Ohio	1, 3			X			
Oklahoma							
Oregon	1, 3	X	X	X	X		
Pennsylvania							
Rhode Island	1	X	X	X	X		
South Carolina				X			
South Dakota							
Tennessee		X	X	X			
Texas	1, 3	X	X	X	X		
Utah	1	X	X				
Vermont		X	X	X			
Virginia		X <sup>o</sup>		X			
Washington	1	X	X				
West Virginia		X	X				
Wisconsin							
Wyoming		X	X				

<sup>o</sup> This indicates whether schools in the state must: 1) provide teacher training, 2) require a certificate or expertise to teach, and/or 3) require teachers to attend training. For more information, please refer to the introduction portion of this document.

<sup>q</sup> Consent means the affirmative, conscious, and voluntary agreement to engage in sexual activity.

<sup>o</sup> Source: Guttmacher Institute. (2017, October). *Sex and HIV Education*. Retrieved from <https://www.guttmacher.org/state-policy/explore/sex-and-hiv-education>.

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<b>4. PARENT/GUARDIAN NOTIFICATION</b>			
<b>State</b>	<b>If sexuality education, HIV/STI, or healthy relationships instruction is provided, then must provide parent/guardian notification</b>		
	<b>Opt-in</b>	<b>Opt-out</b>	<b>Must make materials available</b>
Alabama			
Alaska		HR	S
Arizona	S	HIV	S, HR
Arkansas		HR	HR
California		S, HIV, HR	
Colorado		S, HIV, HR	S, HIV, HR
Connecticut		S, HIV	HIV
Delaware			
District of Columbia		S, HIV	S, HIV
Florida		S, HIV	
Georgia		S, HIV	
Hawaii		S, HIV, HR	S, HIV, HR
Idaho		S	
Illinois		S, HIV, HR	S, HIV, HR
Indiana	HR		HR
Iowa		S, HIV, HR	S, HIV, HR
Kansas			
Kentucky			
Louisiana		S, HIV	S, HIV, HR
Maine		S, HIV	
Maryland		S, HIV	S, HIV, HR
Massachusetts		S, HIV	S, HIV
Michigan		S	S, HR
Minnesota		S, HIV, HR	S, HIV, HR
Mississippi <sup>×</sup>	S, HIV, HR	S, HIV, HR	S, HIV, HR

<sup>×</sup> Mississippi requires schools to “inform the parents of their right to request the inclusion of their child” in sexuality education instruction and that, “upon the request of any parent, the school shall excuse the parent’s child from such instruction or presentation.”

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<b>4. PARENT/GUARDIAN NOTIFICATION (CONTINUED)</b>			
<b>State</b>	<b>If sexuality education, HIV/STI, or healthy relationships instruction is provided, then must provide parent/guardian notification</b>		
	<b>Opt-in</b>	<b>Opt-out</b>	<b>Must make materials available</b>
Missouri		S, HIV, HR	S
Montana			
Nebraska			HR
Nevada	S, HIV		S, HIV, HR
New Hampshire		S, HIV, HR	
New Jersey		S, HIV, HR	HR
New Mexico		S, HIV, HR	
New York		HIV	HIV
North Carolina <sup>f</sup>	S, HIV, HR	S, HIV, HR	S, HIV, HR
North Dakota			
Ohio		HIV, HR	HR
Oklahoma		S, HIV	S, HIV
Oregon		S, HIV, HR	S, HIV, HR
Pennsylvania		HIV	HIV
Rhode Island		S, HIV, HR	S, HIV, HR
South Carolina		S, HIV, HR	S, HIV, HR
South Dakota			
Tennessee		S, HIV, HR	
Texas		S, HIV	
Utah	S, HIV		S, HIV
Vermont		S, HIV, HR	
Virginia		S, HIV, HR	S, HIV, HR
Washington		HIV	
West Virginia		HIV	HIV
Wisconsin		S, HIV	S, HIV
Wyoming			

<sup>f</sup> North Carolina requires local boards of education to adopt policies that provide opportunities “either for parents and legal guardians to consent or for parents and legal guardians to withhold their consent to the students’ participation” in any part of the North Carolina School Health Education Program.