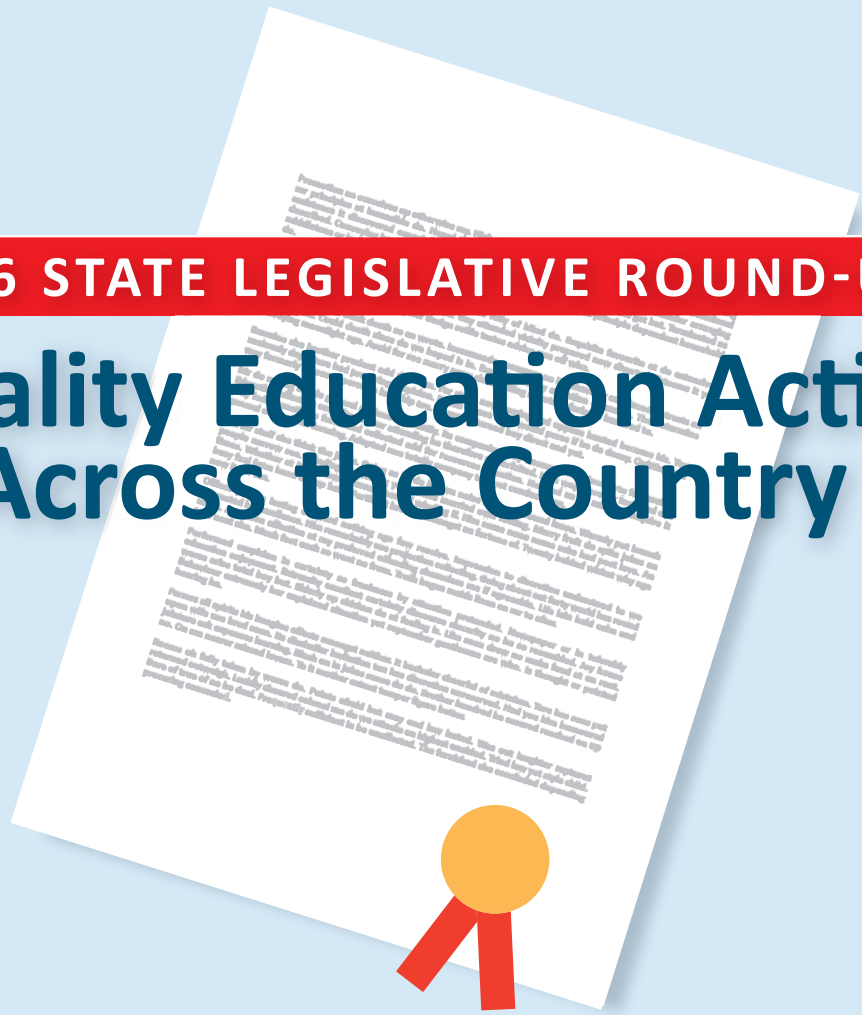


2016 STATE LEGISLATIVE ROUND-UP

Sexuality Education Activity Across the Country



SIECUS

Sexuality Information and Education
Council of the United States

www.siecus.org

2016 STATE LEGISLATIVE ROUND-UP: SEXUALITY EDUCATION ACTIVITY ACROSS THE COUNTRY

The information that students receive regarding their sexuality in school depends on policy decisions made at multiple levels, from the President of the United States and Congress, down to local school boards and individual school staff. Legislation that shapes state laws, however, is critical in shaping—and often limiting—the quality of sexuality education.

What you should know about sexuality education legislation in the states in 2016:

- Ninety bills were introduced or carried over from the prior session related to sexuality education instruction in our nation’s public schools.
- Five bills were enacted in Maryland, Mississippi, Oklahoma, and Virginia. Three new laws in Maryland and Virginia advance sexuality education and two new laws in Mississippi and Oklahoma restrict science-based sexuality education.
- Sixty-three percent of bills sought to improve the quality of sexuality education. The need to enhance the quality of educators, the number of years of instruction, and the inclusiveness of the content was reflected among these bills in addition to other instruction topic and content requirements.
- More than one in four bills posed threats to the quality of instruction and undermine the rights of young people. These attacks came in the form of opposing standards-based instruction, promoting misinformation about and bias against abortion, requiring opt-in written permission, and diluting sexual health instruction into other topics.

Despite victories at the state and local levels, such as the new California Healthy Youth Act, which went into effect in January, and the new standards for Omaha Public Schools as of May, there remains much to do to advance the quality of sexuality education in our nation’s schools, let alone achieve comprehensive sexuality education (CSE). Despite research and data demonstrating that we are failing to provide young people with the sexual health information and skills they need, nearly \$2 billion has been wasted on federal abstinence-only-until-marriage funding over the last three decades. In the last five years alone, federal abstinence-only-until-marriage funding has increased by 70 percent.

The latest studies underscore areas of needed improvement. Between 2006 and 2013, there were significant declines in sexual health instruction in formal settings. Less than half of all high schools and only 20 percent of middle schools in the United States provide all of the 16 topics identified by the Centers for Disease Control and Prevention (CDC) as critical sexual health information.

As of June 30, 2016, legislative sessions in 39 of 50 states and the District of Columbia had adjourned for the year. At this mid-point to the year, SIECUS compiled the following notable activity in state legislatures related to advancing or restricting progress toward achieving CSE. Bills that were introduced in 2015 but carried over into the 2016 session and were subject to activity this year were included in this mid-point report.

Comprehensive Sexuality Education

CSE addresses the physical, mental, emotional, and social aspects of human sexuality including human development, relationships, personal skills, and society and culture, as well as sexual behaviors and sexual health. When taught by trained educators sequentially throughout Kindergarten to 12th grade (K-12), CSE addresses the needs of all young people, including young people of color, LGBTQ youth, youth who are sexually active, pregnant and parenting students, youth living with disabilities, and young survivors of sexual violence in ways that are evidence-informed and culturally appropriate.

ENVIRONMENT AND ACCESS MATTERS

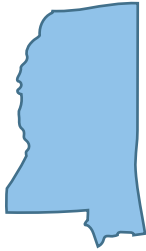
SIECUS recognizes, and stresses, that school-based sexuality education doesn't take place in isolation within the classroom, but rather within the broader school environment. Instruction that is responsive to the needs of transgender or gender non-conforming students is negated, for instance, if it takes place within a school that requires students to use restrooms according to their sex assigned at birth. Similarly, the ability for students to implement the knowledge they gain within sexuality education depends on their ability to access and receive sexual health care; if barriers are in place preventing students from getting condoms and other forms of contraception, for example, their knowledge alone is not enough to prevent HIV and other STDs or to determine when they would like to have children. The fact that the following report focuses solely on the efforts to change instruction alone should not be taken to diminish school environment or access to sexual health care and services as critical factors shaping the lifelong sexual health and well-being of our nation's young people.

ENACTED BILL SUMMARIES

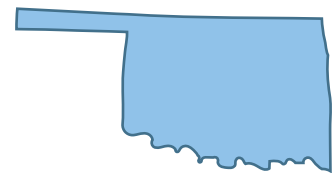
Maryland enacted two pieces of legislation in the 2016 session. [HB 365](#) was sponsored by Representative Michael A. Jackson (D-27B) and enrolled on April 26th as [Ch. 262](#). This new law updates the bullying, harassment, and intimidation policies of public schools to include electronic communication and social media messages. On May 19th, [HB 72](#), known as "Erin's Law" and introduced by Representative Eric Luedtke (D-14) was enrolled as [Ch. 609](#), requiring sexual abuse and assault prevention education to be integrated into the health curriculum of each county board and public school.



Mississippi enacted [HB 494](#), enrolled as [Ch. 389](#) on April 7th, which provides a three year extension to the existing law requiring abstinence-only or abstinence-plus instruction in all public schools, previously set to expire this year. The legislation was sponsored by Representative Jason White (R-48) and was among 12 other bills related to sexuality education introduced in the state. Some such bills called for more comprehensive approaches to sexuality education, while others sought to maintain or reduce existing requirements. While it did not advance to consideration, [SB 2413](#), introduced by Sen. Sally Doty (R-39), would have required medically accurate and evidence-based "personal responsibility education," as determined by the Mississippi State Department of Health. Though the bill had an opt-in provision, this bill represented a bipartisan effort to make improvements to the state's existing law.



Oklahoma enacted [Ch. 353](#), introduced as [HB 2797](#), on May 6th, creating the so-called "Humanity of the Unborn Child Act." Introduced by Rep. Ann Coody (R-64), the new law establishes a permanent fund entitled the "Public Education on the Humanity of the Unborn Child Fund," and requires the state's health department and local schools to provide "educational materials" to the public that "clearly and consistently teach that abortion kills a living human being." Prior to final amendments in the Senate, a [previous version](#) of HB 2797 would have required the State Department of Education to "establish, operate and maintain a program to educate students in grades nine through twelve about the humanity of a child in utero."



Virginia enacted [HB 659](#), introduced by Rep. Eileen Filler-Corn (D-41), on March 11th. The new law, [Ch. 434](#), requires high school family life education, if provided, to include lessons on healthy relationships and prevention of dating violence and sexual violence.



LEGISLATIVE PROVISIONS ADVANCING SEXUALITY EDUCATION INSTRUCTION

Fifty-eight bills in 21 states sought to include new topics related to the advancement of sexuality education instruction. Common provisions included adding child sexual abuse and teen dating violence prevention instruction and establishing medically accurate, age-appropriate, and/or evidence requirements for sexuality education content. While not necessarily as prevalent, additional notable provisions are highlighted below.

Expanding Grade-Level of Instruction

Often, if provided, sexuality education instruction begins in grades 9–12. Sexual development, however, begins long before students reach high school. Though often considered taboo or misunderstood, “sexuality” is about far more than sexual activity or identity and orientation. School-based, sequential sexuality education beginning in Kindergarten creates a foundation for healthy sexual behaviors by building knowledge about the human body and development, skills around personal boundaries and communication, and knowledge to assess societal messages about sexuality across cultures. The earlier this foundation can be established, the more empowered young people are to make informed decisions throughout their lives.

Provisions establishing or expanding grade-levels that implement sexuality education were a common type of provision this legislative session. The majority of such bills not only attempted to expand the grade-levels that receive such education, but also emphasized beginning instruction in earlier grades. Legislation in Arizona, Georgia, Massachusetts, New York, Ohio, Virginia, Washington, and Wisconsin proposed expanding the grade-level of instruction beginning in Kindergarten. Bills in Hawaii and New Jersey even called for sexual abuse prevention instruction to begin in Pre-Kindergarten.

LGBTQ-Inclusion and Non-Discrimination

There are eight states that currently prohibit the teaching of LGBTQ-related content in schools: Alabama, Arizona, Louisiana, Mississippi, Oklahoma, South Carolina, Texas, and Utah. However, even where LGBTQ inclusion in sexuality education content is not prohibited, LGBTQ students are harmed when they are not specifically addressed by sexuality education instruction, intentionally or unintentionally. Inclusive programs are those that help youth understand gender identity and sexual orientation with age appropriate and medically accurate information; incorporate positive examples of LGBTQ individuals, romantic relationships, and families; emphasize the need for protection during sex for people of all identities; and dispel common myths and stereotypes about behavior (e.g. expression) and identity.

Legislation was introduced in Arizona, [SB 1019](#), to remove the state’s existing restrictions on instruction from including “homosexuality and homosexual sex.” Numerous bills in Hawaii would prohibit curricula from promoting bias against LGBTQ people. Bills in New York, Pennsylvania, and Wisconsin sought to specify that instruction be appropriate and inclusive for LGBTQ students.

Teacher Training

In addition to parents, providers, and peers, teachers play a vital role in providing young people with the information they need to protect their health and futures. Research shows that instructors’ comfort with and commitment to sexuality education has a direct impact on teaching ability. Adequate training providing accurate knowledge of the biological, emotional, and social aspects of human sexuality and the laws relating to sexuality and youth, among other criteria, ensure that students receive the high-quality, age, culturally, and developmentally appropriate comprehensive sexuality education they have a right to and deserve.

Provisions requiring or specifying teacher training were among the most common provisions for both sexuality education and violence prevention instruction. While a few bills, such as [AB 692](#) in Wisconsin and [H 379](#) in Massachusetts, stipulated specific training requirements, most, as in Arizona, Hawaii, New Jersey, New York, and Ohio, required the State Department of Education or other agency to establish minimum training criteria.

LEGISLATIVE PROVISIONS RESTRICTING SEXUALITY EDUCATION INSTRUCTION

Twenty-four bills in 10 states presented a variety of ways to restrict the topics, type, and instructors of sexuality education. In addition to the summaries below, bills introduced to continue abstinence-only instruction were also considered restrictive.

Opt-in

Parent or guardian engagement in sexuality education can be an important part of ensuring young people have trusted sources for information related to their sexuality. School districts, schools, and teachers are encouraged to ensure transparency and, where feasible, include parents and guardians in their child's learning. Unfortunately, requiring written consent from parents or guardians in order for students to participate in any sexuality-related instruction undermines the rights of the student to gain knowledge from a trusted and qualified educator. Yet, this movement to try to adopt an "opt-in" requirement was far too common in 2016.

Nearly half of the bills that would restrict sexuality education sought to do so by establishing opt-in policies for instruction related to sexual topics. Beyond proposing new parental notification requirements, efforts to institute opt-in requirements were present in a range of states, including Hawaii, Kansas, Minnesota, Mississippi, South Dakota, and Utah.

Prohibiting National Sexuality Education Standards

Standards shape the quality and content of instruction. The [National Sexuality Education Standards](#) (NSES), developed by the Future of Sex Education (FoSE), provide essential student competencies and skills benchmarks by grade level. By prohibiting the use of NSES as well as other non-locally developed standards to inform new state or local sexuality education standards, states restrict the potential quality of sexuality education.

Bills were introduced in Kansas, Michigan, and Tennessee seeking to prohibit state departments of education and boards of education from adopting the NSES. These provisions were typically part of larger education bills rejecting common core and national standards in general. The provision prohibiting the use of NSES in Kansas bill [HB 2292](#) was amended in the Committee on Education to prohibit "federally provided or required set of educational standards," which would no longer apply to the NSES.

Abortion Related Restrictions

Young people have a right to medically accurate and unbiased information on all sexual health care topics including the full range of reproductive health care, which encompasses abortion.

Bills introduced in Alaska and Minnesota contained provisions prohibiting abortion providers from contracting with schools or providing course materials for instruction related to human sexuality or sexually transmitted diseases. Legislation in Mississippi, [HB 954](#), and in Oklahoma, [HB 2797](#), included provisions requiring biased instruction against abortion. Mississippi's bill sought to limit discussion of abortion to the "hazards" of the procedure, while Oklahoma's newly enacted law requires teaching that "abortion kills a living human being."

Diluting Sexual Health Instruction

Sexuality education includes information students will need throughout their life. As such, it is critical that sexuality education is expanded to be K-12 and sequential, not reduced to an elective or conflated with other topics of instruction.

Efforts to diminish the reach of sexuality education in 2016 went beyond simply prohibiting components of sexuality education. Provisions in Massachusetts and Mississippi bills, for instance, intended to dilute sexual health instruction by combining or conflating it with other types of instruction. The Mississippi bill, [HB 1232](#), would have remove the state's existing abstinence or abstinence-plus requirement and instead combine teen pregnancy prevention lessons within home economics to create a required course on "family dynamics."

STATE BILL TABLE

The highlights above are intended as a topline glance at the common types of sexuality education instruction bills and their provisions introduced across the country in 2016. Specific information and available links below.

STATE	BILL NUMBER	INTENT	BILL STATUS	LEGISLATIVE SESSION STATUS
AK	HB 156	Restrict	Awaiting Governor Signature	Adjourned April 17; July 11 – 18, 2016 Special Session
	SB 89	Restrict	Referred to Committee	
AZ	HB 2410	Advance	House 1st Read	Adjourned May 6
	HB 2542	Neutral	House 2nd Read	
	SB 1019	Advance	Senate 2nd Read	
	SB 1020	Advance	Senate 2nd Read	
CA	AB 2536	Advance	Re-referred to Committee	
FL	HB 859	Advance	Died in Committee	Adjourned March 11
	SB 1018	Advance	Died in Committee	
	SB 1056	Advance	Died in Committee	
GA	HB 406	Advance	House 2nd Read	Adjourned March 24
HI	HB 2004	Advance	Referred to Committee	Adjourned May 5
	HB 2129	Advance	Referred to Committee	
	HB 595	Advance	Carried over	
	HCR 6	Advance	Referred to Committee	
	SB 1185	Restrict	Carried over	
	SB 151	Advance	Re-referred to Committee	
	SB 2235	Advance	Deferred by Committee	
	SB 2441	Advance	Re-referred to Committee	
	SB 395	Advance	Re-referred to Committee	
	SCR 6	Advance	Referred to Committee	
	SR 4	Advance	Referred to Committee	
	HB 1333	Restrict	Carried over	
	HB 1782	Advance	Passed 1 of 3 Committees; Referred to 2nd	
	HB 1787	Advance	Deferred by Conference Committee	
	HB 459	Advance	Re-referred to Committee	
SB 2232	Advance	Died on Calendar		
KS	HB 2199	Restrict	Died on Calendar	Adjourned May 13
	HB 2292	Neutral	Referred to Committee	
KY	SB 29	Advance	Accompanied by Study Order	Adjourned April 12
MD	HB 72	Advance	Referred to Committee	Adjourned April 11
MA	H 379	Advance	Accompanied New Draft (S 2329)	
	S 2114/	Advance	Reported favorable by Committee;	
	S 2329		Referred to Ways and Means	
MI	HB 5444	Restrict	Referred to Committee	
	SB 826	Restrict	Referred to Committee	
MN	HF 2747	Restrict	Referred to Committee	Adjourned May 23
	SF 2956	Restrict	Referred to Committee	

STATE	BILL NUMBER	INTENT	BILL STATUS	LEGISLATIVE SESSION STATUS
MS	HB 1004	Neutral	Died in Committee	Adjourned May 8
	HB 1232	Restrict	Died in Committee	
	HB 1233	Restrict	Died in Committee	
	HB 1234	Restrict	Died in Committee	
	HB 494	Restrict	Approved by Governor	
	HB 756	Advance	Died in Committee	
	HB 932	Advance	Died in Committee	
	HB 954	Restrict	Died in Committee	
	HB 985	Neutral	Died in Committee	
	HB 992	Restrict	Died in Committee	
	SB 2413	Restrict	Died in Committee	
	SB 2434	Restrict	Died in Committee	
	SB 2594	Advance	Died in Committee	
	SB 2775	Neutral	Died in Committee	
SB 2818	Restrict	Died in Committee		
MO	HB 1905	Advance	Referred to Committee	Adjourned May 13
	HB 2491	Advance	Referred to Committee	
	HB 2803	Advance	Referred to Committee	
	SB 672	Advance	Died on Calendar	
NH	HB 1231	Neutral	No Pending Motion	Adjourned June 1
NJ	A 3254	Advance	Referred to Committee	
	S 2145	Advance	Referred to Committee	
NY	A 1616A	Advance	Reported Referred to Ways and Means	Adjourned June 17
	A 8080	Advance	Referred to Committee	
	A 9261	Advance	Referred to Committee	
	S 1889	Advance	Referred to Committee	
	S 1947B	Advance	Referred to Committee	
	S 3909	Advance	Referred to Committee	
	S 6566	Advance	Referred to Committee	
	A 6707	Advance	Referred to Committee	
S 700A	Advance	Amend and Recommit to Committee		
S 905	Advance	Referred to Committee		
OH	HB 85	Advance	Passed House; Introduced Senate	
OK	HB 2721	Advance	Second Reading Referred to Committee	Adjourned May 27
	HB 2797	Restrict	Approved by Governor	
	HB 2959	Advance	Second Reading Referred to Committee	
OR	HB 4099	Neutral	Passed House; In Senate Committee Upon Adjournment	Adjourned March 3
PA	SB 1338	Advance	Referred to Education	
SC	S 1141	Advance	Referred to Committee	Adjourned June 2
	S 574	Advance	Recommitted to Committee	

STATE	BILL NUMBER	INTENT	BILL STATUS	LEGISLATIVE SESSION STATUS
SD	HB 1168	Restrict	Education Deferred	Adjourned March 29
TN	HB 1348	Restrict	Assigned to Committee	Adjourned April 22
	SB 1193	Restrict	Assigned to Committee	
UT	HB 246	Advance	Filed	Adjourned March 10
	HB 335	Neutral	Filed	
VA	HB 516	Neutral	House Sustained Governor's Veto	Adjourned March 11
	HB 659	Advance	Approved by Governor	
	SB 370	Advance	Amended in Committee	
WA	HB 2183	Advance	Reintroduced and Retained	Adjourned March 10
	SB 5506	Advance	Reintroduced and Retained	
WV	HB 2458	Restrict	Referred to Committee	Adjourned March 12
WI	AB 691	Advance	Failed to Pass	Adjourned May 15
	AB 692	Advance	Failed to Pass	