

# State Profiles

## Texas State Profile



### Texas's State of Sex Ed

Texas schools are required to teach some concepts of sex education by proxy via mandated state curriculum standards. This is through instruction in health education.

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D

Sex Ed  
Requirement

D+

Sex Ed  
Content

Overall State Policy Grade

D+

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## Current Requirement

- If a school chooses to teach sex education, the curriculum must emphasize abstinence.
- Health education is an optional elective course in high school
  - As a part of health education, they must adhere to the standards within the [Texas Essential Knowledge and Skills \(TEKS\) for Health Education](#). This requires some instruction in anatomy, contraception, and STI prevention while emphasizing abstinence, otherwise known as a “abstinence-plus” curriculum
- If a school chooses to teach sex education and uses a curriculum developed by the Texas Department of State Health Services (DSHS), it must state that homosexuality is not an acceptable lifestyle to the general public and that it is a criminal offense under the Texas Penal Code. This is regardless of the fact that the United States Supreme Court handed down a decision in [Lawrence v. Texas](#) that declared state laws criminalizing homosexual behavior to be unconstitutional in 2003.
- Curriculum is not required to include instruction on consent.
- Parents or guardians are required to provide their written consent prior to their children receiving sex education. [This is referred to as an “opt-in” policy](#).
- Texas has no regulation regarding medically accurate sex education instruction.

## RECENT LEGISLATION SHAPING THE STATE LANDSCAPE

Advocates in Texas have fought hard to make incremental progress in advancing sex education requirements and to defend against many oppositional attacks on school curriculum, trans youth, and reproductive rights. In 2020, the Texas State Board of Education revised the Texas Essential Knowledge and Skills (TEKS) for Health Education for the first time in over two decades. Unfortunately, efforts to repeal the state's discriminatory requirements on sexual orientation and gender identity or to include instruction on consent were ultimately unsuccessful. The updated TEKS do require schools to provide instruction on birth control methods to students in seventh and eighth grade.

In 2021, [House Bill 1525](#), was enacted which reduced access to sex education by including a provision that requires schools to receive parental consent prior to their children receiving sex education. [This is referred to as an “opt-in” policy.](#) Further, advocates expect additional aggressive legislative attacks on sexual and reproductive rights in a state that is gaining national notoriety for its treatment of transgender youth and their families, as well as banning access to abortion care. In 2023, there have already been many prefiled bills introduced which seek to restrict the rights of LGBTQAI+ youth in Texas and this will likely extend into restricting sex education as well.

Since Texas schools are not required to provide sex education to students, school districts are left to decide what type of sex education—if any at all—they provide to youth. Advocates are working to promote the adoption of updated instructional materials following the 2020 TEKS requirement updates. Several advocates plan on working with statewide partners to support school districts in adopting the new requirements in addition to advocating for positive sex education. Local control over sex education presents unique challenges that have resulted in glaring disparities regarding the quality of sex education that students receive. In Texas, such discretion allows for the implementation of policies and curriculum that are intended to stigmatize marginalized youth, such as students of color and LGBTQ youth, and presents further challenges in ensuring that low income districts have access to the resources needed to implement sex education. Students of color make up the majority of Texas public school enrollment, and these young people need sex education curriculum that is trauma informed and culturally responsive to the structural barriers to reproductive health care and education that young people of color often face.

A [2021 survey](#) by the Texas Campaign to Prevent Teen Pregnancy found that **only 7%** of young people believed their sex education to be “helpful”. Advocates report

that the current sex education curriculum often includes discriminatory and false information about LGBTQ people and medically inaccurate information about abortion.

Right now, advocates can take steps to improve sex education in their community. After contacting their school districts to determine what sex education, if any at all, is currently being taught, advocates can vocalize the need for an improved curriculum and connect with advocates such as [Healthy Futures of Texas](#) and [Texas Freedom Network](#) to advance sex education requirements through legislative advocacy. Advocates can focus on ensuring the curriculum is medically accurate and culturally responsive to the needs of youth of color and LGBTQ youth, or ensure topics such as consent, healthy relationships, contraceptive options, and reproductive health care are included in sex education curriculum. Advocates can also work to make sure the updated TEKS standards translate to improved health outcomes in the state. Advocates are encouraged to take action on pending legislation that seeks to advance or restrict the principles of sex education. For a current overview of pending legislation, see table below. Advocates are encouraged to use the [SIECUS Community Action Toolkit](#) to guide local efforts to advance sex education and to reach out to [EducateUS](#) to get connected to local advocacy groups.

## **More on sex ed in Texas...**

### **State Law: A Closer Look**

Neither sex education nor education on human immunodeficiency virus (HIV) and other sexually transmitted infections (STIs) are statutorily mandated in Texas. However, [Texas Education Code §7.102\(c\)\(11\)](#) requires the State Board of Education to “adopt rules to carry out the curriculum required or authorized under [§28.002](#),” which includes “health.” This means all school districts must adhere to the Texas Essential Knowledge and Skills for Health Education standards. Accordingly, [Texas Education Code §§ 28.004](#), [Texas State Board of Education Administrative Code §§ 115.22, 115.23, 115.32, and 115.33](#) require that all “course materials and instruction relating to human sexuality” 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 more attention to abstinence from sexual activity than to any other behavior;
3. Emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100% effective in preventing pregnancy, sexually transmitted diseases (STDs), infection with HIV or acquired immune deficiency syndrome (AIDS), and the emotional trauma associated with adolescent sexual activity;
4. Direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy, STDs, and infection with HIV or AIDS; and
5. Teach contraception and condom use in terms of human-use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in curriculum content.

School districts may not distribute condoms and are allowed to “separate students according to sex for instructional purposes.” Each school district must also have a local health advisory council established by the school district’s board of trustees. The council must make recommendations to the school district about changes in that district’s curriculum and “appropriate grade levels and methods of instruction for human sexuality instruction.”<sup>[v]</sup> This council also must “assist the district in ensuring that local community values are reflected in the district’s health education instruction.”

Texas Health and Safety Code §85.007 and §163.002 state that course materials and instruction must “state that homosexual conduct is not an acceptable lifestyle to the general public and is a criminal offence under Section 21.06, Penal Code” a common “no promotion of homosexuality” style law. This ruling applies if the curriculum is developed by the DSHS. The United States Supreme Court handed down a decision in *Lawrence v. Texas* that declared state laws criminalizing homosexual behavior to be unconstitutional in 2003, invalidating Section 21.06 despite it remaining in Texas Code.

Parents or guardians are required to provide their written consent prior to their children receiving sex education. This is referred to as an “opt-in” policy.

The *Texas Essential Knowledge and Skills for Health Education* includes standards for what the health curriculum should look like if provided. These standards include teaching students to “analyze the effectiveness and ineffectiveness of barrier protection and other contraceptive methods,” “analyze the importance of abstinence from sexual activity,” “summarize the facts related to HIV infection and [STDs],” and to understand “the emotional trauma associated with adolescent sexual activity.”

In 2020, the Texas Board of Education **revised these** standards to include instruction on anatomy, contraception, condoms, and STI prevention in middle and high school. It also added standards on healthy relationships and the importance of physical boundaries.

## State Legislation

State legislative activity related to sex education does not take place in isolation from the broader embroiled political and policy climate. In 2022, a national wave of attacks on the rights of lesbian, gay, bisexual, transgender, queer, or questioning (LGBTQAI+) individuals, attempts to restrict or prohibit instruction on “divisive concepts” such as “Critical Race Theory” (which is not taught in public schools), and efforts to limit access to abortion care and other reproductive healthcare services swept the country in an effort to prevent students from receiving sex education and accessing sexual and reproductive healthcare services. Below are highlights of current legislative activity related to these topics. **Texas’ 2023 legislative session convenes on January 10, 2023.**

## Youth Sexual Health Data

Young people are more than their health behaviors and outcomes. While data can be a powerful tool to demonstrate the sex education and sexual health care needs of young people, it is important to be mindful that these behaviors and outcomes are impacted by systemic inequities present in our society that affect an individual’s sexual health and well-being. To learn more about Texas’ Youth Risk Behavior Survey (YRBS) results, [click here](#). At the time of publication, 2021 YRBS data was not made available yet.



# Texas School Health Profiles Data

In 2022, the Centers for Disease Control and Prevention (CDC) released the School Health Profiles, which measure school health policies and practices and highlight which health topics were taught in schools across the country. Since the data were collected from self-administered questionnaires completed by schools' principals and lead health education teachers, the CDC notes that one limitation of the School Health Profiles is bias toward the reporting of more positive policies and practices. In the 2020 School Health Profiles, the CDC identifies 22 sexual health education topics as critical for ensuring a young person's sexual health. Below are key instruction highlights for secondary schools in Texas as reported for the 2019–2020 school year

## **Reported teaching all 22 critical sexual health education topics**

- 29.8% of Texas secondary schools taught students all 22 critical sexual health education topics in a required course in any of grades 6, 7, or 8.
- 35.2% of Texas secondary schools taught students all 22 critical sexual health education topics in a required course in any of grades 9, 10, 11, or 12.

## **Reported teaching about the benefits of being sexually abstinent**

- 72.5% of Texas secondary schools taught students about the benefits of being sexually abstinent in a required course in any of grades 6, 7, or 8.
- 73.6% of Texas secondary schools taught students about the benefits of being sexually abstinent in a required course in any of grades 9, 10, 11, or 12

## **Reported teaching how to access valid and reliable information, products, and services related to HIV, other STDs, and pregnancy**

- 62.6% of Texas secondary schools taught students how to access valid and reliable information, products, and services related to HIV, other STDs, and pregnancy in a required course in any of grades 6, 7, or 8.
- 68.1% of Texas secondary schools taught students how to access valid and reliable information, products, and services related to HIV, other STDs, and pregnancy in a required course in any of grades 9, 10, 11, or 12.

## **Reported teaching how to create and sustain healthy and respectful relationships**

- 73% of Texas secondary schools taught students how to create and sustain healthy and respectful relationships in a required course in any of grades 6, 7, or 8.
- 71.5% of Texas secondary schools taught students how to create and sustain healthy and respectful relationships in a required course in any of grades 9, 10, 11, or 12.

### **Reported teaching about preventive care that is necessary to maintain reproductive and sexual health**

- 59.8% of Texas secondary schools taught students about preventive care that is necessary to maintain reproductive and sexual health in a required course in any of grades 6, 7, or 8.
- 68.6% of Texas secondary schools taught students about preventive care that is necessary to maintain reproductive and sexual health in a required course in any of grades 9, 10, 11, or 12.

### **Reported teaching how to correctly use a condom**

- 34.8% of Texas secondary schools taught students how to correctly use a condom in a required course in any of grades 6, 7, or 8.
- 42.2% of Texas secondary schools taught students how to correctly use a condom in a required course in any of grades 9, 10, 11, or 12.

### **Reported teaching about methods of contraception other than condoms**

- 44.8% of Texas secondary schools taught students about methods of contraception other than condoms in a required course in any of grades 6, 7, or 8.
- 57% of Texas secondary schools taught students about methods of contraception other than condoms in a required course in any of grades 9, 10, 11, or 12.

### **Reported teaching about sexual orientation and gender identity**

- 35.9% of Texas secondary schools taught students about sexual orientation and gender identity in a required course in any of grades 6, 7, or 8.
- 48.5% of Texas secondary schools taught students about sexual orientation and gender identity in a required course in any of grades 9, 10, 11, or 12.



## **Reported teaching about how gender roles and stereotypes affect goals, decision-making, and relationships**

- 49.9% of Texas secondary schools taught students about gender roles and stereotypes in a required course in any of grades 6, 7, or 8.
- 53.7% of Texas secondary schools taught students about gender roles and stereotypes in a required course in any of grades 9, 10, 11, or 12.

## **Reported providing curricula or supplementary materials relevant to lesbian, gay, bisexual, transgender, or questioning (LGBTQ) youth**

- 35% of Texas secondary schools provided students with curricula or supplementary materials that included HIV, STD, or pregnancy prevention information relevant to LGBTQ youth.

Visit the CDC's *School Health Profiles* report for additional information on school health policies and practices.

**The quality of sex education taught often reflects funding available for sex education programs. To learn more about federal funding streams, [click here](#).**

