



North Dakota State of Sex Ed

Sex education is required, but abstinence must be stressed. North Dakota schools also must show a fetal development video in family life education, in line with the growing "Baby Olivia" trend. No age appropriate or medically accurate requirements; no consent, menstrual health, or SOGI instruction. In 2023, the passage of HB 1522 outlawed pronoun policies and to use a child's preferred name or pronouns (if desired) requires parental consent.



[View Bill Tracker](#)

Current Requirement

- Curriculum must be abstinence-based.
- Curriculum is not required to include instruction on sexual orientation or gender identity.
 - However, the [North Dakota Health Education Content Standards](#) includes discussion of sexual orientation in their definition of sexuality.
- Curriculum is not required to include instruction on consent.
- Curriculum must include instruction on human growth and development, incorporating materials like fetal ultrasound videos.
- North Dakota statute has no standard regarding the ability of parents and guardians to remove their children from sex education instruction.
- North Dakota has no regulation regarding medically accurate sex education instruction.

RECENT LEGISLATION SHAPING THE STATE LANDSCAPE

In recent years, North Dakota has seen a significant rise in legislation targeting inclusive education, particularly around sex education, LGBTQIA+ topics, and gender identity. Despite increased attention to mental health and behavioral support in schools, the state has not enacted any progressive sex education legislation, underscoring the urgent need for advocacy to ensure young people receive inclusive, medically accurate, and age-appropriate instruction.

Instead, lawmakers have introduced and passed a wave of bills that limit what can be taught in schools, expand parental control over curricula, and marginalize LGBTQIA+ youth. In 2021, [Senate Bill 2311](#) was enacted to strengthen behavioral health systems in schools, emphasizing suicide prevention and student well-being. While this was a positive step, it was quickly overshadowed by the introduction of [House Bill 1298](#) (2021), which attempted to ban transgender girls from participating in female school sports. Though the bill passed the legislature, it was ultimately vetoed by Governor Doug Burgum, who deferred to the existing authority of the state's high school activities association.

North Dakota only has legislative session on odd-numbered years, so by 2023, the legislative landscape had shifted further toward restricting inclusive education. A series of bills positioned under the umbrella of “parental rights” aimed to limit discussions of sexuality, gender identity, and access to affirming resources in public schools. The legislature continued their 2021 attacks on trans youth through [House Bill 1522](#) (2023), which prohibited transgender students from using restrooms aligning with their gender identity and required schools to inform parents before recognizing a student's gender transition. Then [HB 1362](#) codified a broad definition of parental rights over children's education and medical decisions- policies advocates warn could result in “forced outing” of LGBTQIA+ youth. Additionally, [HB 1249](#) required all public school sports teams to be designated by biological sex, while [HB 1254](#) banned gender-affirming medical care for minors, making North Dakota one of the most restrictive states in the country on this issue. In parallel, [HB 1205](#) banned sexually explicit books from public libraries, a move advocates argue will disproportionately censor LGBTQIA+ content and restrict access to comprehensive, affirming information about sexual health. Also

passed in 2023, [House Concurrent Resolution 3010](#) urged state agencies and public schools to use **only** biological sex to determine access to restrooms and other gendered spaces. Unlike bills, resolutions like this one express the legislature's sentiment and can influence public policy, but do not have the force of law. Still, their symbolic impact reinforces a policy environment that actively sidelines trans and gender-diverse students.

In a further erosion of inclusive education, [House Bill 1265](#) mandated that North Dakota students receive instruction in human growth and development using fetal development materials. This bill was a first-of-its-kind effort and opened the door to what would later be known nationally as “Baby Olivia” legislation- ideologically driven efforts to promote anti-abortion messaging in the classroom under the guise of health education. Although this law passed, a subsequent 2023 attempt to expand similar ideologically driven sex ed instruction- [House Bill 1526](#)- failed. If it had passed, it would have opened the door for restrictive, stigmatizing curricula under the banner of “family life and health education.”

During the 2025 session, legislators have introduced several additional bills that impact sex education and gender inclusivity in schools. [Senate Bill 2330](#), which initially held promise by requiring human trafficking and exploitation prevention education, was significantly watered down through amendments that stripped away strong instructional requirements. [House Bill 1144](#), meanwhile, advanced efforts to control restroom access in schools based on biological sex, going so far as to impose fines of up to \$2,500 on school districts that do not comply.

Local advocates report that some school boards have backed away from updating or even offering sex education curricula in fear of political and legal backlash. This chilling effect has left many young people- especially LGBTQIA+ youth and youth of color- without the tools they need to make informed decisions about their bodies and relationships. This lack of access is particularly alarming in a state where STI rates among youth continue to rise, and mental health crises among adolescents are escalating.

Right now, advocates can take action to ensure young people in their community have access to quality sex education. Particularly, advocates can invest in local school board races to elect strong advocates who support sex education. Advocates can also contact their local school board to determine what topics are missing from sex education instruction, such as instruction on consent, sexual orientation and gender identity, and contraceptives. They can then vocalize the important need for advancing instruction requirements in their community. Advocates are encouraged to take action on pending legislation that seeks to advance or restrict the principles of sex education.

North Dakota's 2025 legislative session convened January 7th, 2025 and adjourned April 27th, 2025.

Further, advocates can contact their representatives to discuss the critical need for a statewide sex education mandate. Advocates are encouraged to use the [SIECUS Community Action Toolkit](#) to guide local efforts to advance sex education. For more information on getting involved in local and state advocacy for sex education, reach out to our State Policy Action Manager, Miranda Estes (mestes@siecus.org)

More on sex ed in North Dakota...

State Law: A Closer Look

As a result of [North Dakota Century Code Title 15.1-21-24](#), beginning July 1, 2012, every school district, both public and non-public, is required to include instruction on abstinence in its health education curriculum. Each school district needs to ensure that the portion of its health curriculum related to sexual health includes instruction pertaining to “the risks associated with adolescent sexual activity and the social, psychological, and physical health gains to be realized by abstaining from sexual activity before and outside of marriage.”

In 2021, [North Dakota Century Code Title 15.1-21-24](#) was further amended after the passage of [SB 2311](#) to say: “The district or nonpublic school's health curriculum for all students in grades seven through twelve includes instruction in mental health awareness and suicide prevention, including instruction and information on identifying warning signs and risk factors, identifying at - risk peers, and the availability of resources. To satisfy the

requirements of this subsection, a district or nonpublic school may collaborate with other districts and nonpublic schools to share resources and provide instruction through distance or virtual learning.”

During the 2023 legislative session, [North Dakota Century Code Title 15.1-21-28](#) was amended to require all school districts offering human sexuality instruction to include:

- A high-definition ultrasound video, at least three minutes in duration, showing the development of the brain, heart, sex organs, and other vital organs in early fetal development; and
- A high-quality, computer-generated rendering or animation showing the process of fertilization and every stage of human development inside the uterus, noting significant markers in cell growth and organ development for every week of pregnancy until birth.

North Dakota was the first state to mandate this kind of instruction, and while it does not require the viewing of Live Action’s problematic “Meet Baby Olivia” video, the North Dakota Department for Public Instruction [does list](#) it as a sufficient option to meet the requirement.

State Standards

The [North Dakota Health Education Content Standards](#), published by the North Dakota Department of Public Instruction, establish benchmarks for health instruction at all grade levels. For example, in grades 3-5, students are expected to be able to “Explain the stages of social, emotional, physical, and mental growth and development in humans from infancy to late adulthood,” including puberty. The standards address “sexual behavior” beginning in grade 6. The alignment of a school district’s health curriculum with the 2018 *North Dakota Health Education Content Standards* is intended to be used as assurance that schools comply with the law.

This type of local control over sex education presents unique challenges that have resulted in glaring disparities regarding the quality of sex education that students receive. Such discretion allows for the implementation of policies and curriculum that stigmatize marginalized youth, such as students of color

and LGBTQIA+ youth, and presents further challenges in ensuring that low-income districts have access to the resources needed to implement comprehensive sex education. While many schools often reach out to Local Public Health Units, some of which are Title X clinics, to provide sex education, some districts rely entirely on abstinence-only programming.

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. In recent years, there has been an increase in legislative attacks on the implementation of CDC's Youth Risk Behavior Survey (YRBS) which [tracks six categories of health risk behaviors](#) including sexual health behaviors. **To learn more about North Dakota's 2023 YRBS results, [click here](#).**

North Dakota School Health Profiles Data

In 2024, the Centers for Disease Control and Prevention (CDC) released the 2022 [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 School Health Profiles, the [CDC identifies 22 sexual health education topics](#) as critical for ensuring a young person's sexual health. **To view North Dakota's results from the 2022 School Health Profiles Survey, visit CDC's [School Health Profiles Explorer tool](#).**

Visit the CDC's [School Health Profiles](#) 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](#).