

## **Tennessee State of Sex Ed**

Sex education, or family life education, is required, which should include a heavy emphasis on abstinence with contraception and STI prevention included within its definition. Instruction must be medically accurate and age-appropriate. Instruction must include healthy relationships but does not explicitly teach consent. Instruction cannot "promote [...] gateway sexual activity" nor "encourage [...] noncoital sexual activity." Sex education is prohibited before 5th grade. Opt out instruction except for the topics of sexual orientation and gender identity. Tennessee schools also must show the anti-abortion propaganda film, "Baby Olivia," which spreads misinformation about fetal development as a part of family life education.







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# **Current Requirement**

- Family life education is required in Tennessee schools
  - Curriculum must be medically accurate.
  - Curriculum must emphasize abstinence and not encourage "gateway sexual activity". Educators who violate this may face punitive measures.
  - Curriculum must instruct on STI prevention and contraception
  - Curriculum must include "fetal development" instruction including the viewing of a medically inaccurate, stigmatizing

animation called "Meet Baby Olivia", an anti-abortion propaganda film.

- Curriculum is not required to include instruction on sexual orientation or gender identity.
- Curriculum is not required on affirmative consent but does cover healthy relationships
- Parents and guardians may opt their child out of family life education.
  This is referred to as an "opt-out" policy. However, for instruction on
  sexual orientation and gender identity (SOGI), parents must provide
  consent beforehand. This is an "opt-in" policy for this specific
  instruction.

#### RECENT LEGISLATION SHAPING THE STATE LANDSCAPE

Advocates in Tennessee continue to face countless coordinated attacks on sex education. In 2022, House Bill 2557 was enacted, which prohibits schools from allowing entities that perform, provide referrals for, advocate for, or promote abortions from teaching family life education curriculum. The interconnected attacks on abortion and sex education culminated in 2024 with the passage of House Bill 2435, a "Baby Olivia" bill, that requires the viewing of the anti-abortion propaganda "Meet Baby Olivia" video developed by Live Action - an extremist group known for their deceptive and manipulative tactics. These efforts will only increase misinformation about abortion and perpetuate abortion stigma in a state that is already a restrictive state for abortion access. In 2025, lawmakers pushed Senate Bill 471 which was signed into law and now requires "success sequencing" to be taught as a part of family life education. "Success sequence" is yet another name for "sexual risk avoidance" and "abstinence-only-until-marriage" instruction which ascribes a certain way of development in order to be "successful" in life.

Beyond sex education, Tennessee schools have become increasingly hostile spaces for LGBTQIA+ students through recently passed "parental rights" and other harmful legislation. In 2021, <u>House Bill 1895</u> and <u>Senate Bill 2153</u> were signed into law and restrict transgender student athletes from participating in interscholastic sports. In 2023, <u>Senate Bill 1443</u>, a "parental rights" bill that now requires parental consent prior to instruction on sexual orientation and gender identity, was signed into law in addition to <u>a medical care ban</u> (<u>Senate Bill 1</u>) and a bill allowing teachers to <u>misgender and deadname</u> students

(Senate Bill 466). In 2024, Senate Bill 1810 passed and prohibits school employees from providing false or misleading information to a student's parents about their gender identity, and allows parents to file a civil suit if there is a violation of this clause. This bill is an example of a "forced outing" clause that scares teachers and administrators into outing students for fear of facing a lawsuit. The same session saw two more "parental rights" bills pass, House Bill 2773 and Senate Bill 2749, which would allow parents access to confidential health records of minors for services they did NOT seek parental consent for and establishing general parental rights in the healthcare and education system with legal penalty for violations, respectively. The success of these attacks on inclusive education and students' rights will have long-standing impacts on the health and well-being of young Tennesseeans.

Since Tennessee schools are required to provide "family life education", which can be either abstinence-only instruction, often called "sexual risk avoidance" programming, or abstinence-plus, school districts are left without the necessary support to provide quality sex education to young people. Tennessee does have <a href="health education standards">health education standards</a> that address some sexual health concepts; however, these standards are not required for implementation in Tennessee schools. High school students, however, do have to complete one credit of "lifetime wellness" which must align with the 9-12 <a href="Lifetime Wellness Standards">Lifetime Wellness Standards</a>.

Right now, advocates can take action to ensure young people in their community have shame-free and quality sex education. After contacting their local school board, advocates can determine whether or not abstinence-only versus abstinence-plus instruction is being taught and what topics are missing from the current instruction, such as instruction on contraception, STI prevention, and healthy relationships. They can then vocalize the importance of advancing sex education requirements in their community beyond focusing solely on abstinence. Additionally, advocates must remain vigilant and defend against continuous attacks on sex education that seek to maintain abstinence-only instruction and other stigmatizing forms of instruction. Advocates are encouraged to take action on pending legislation that seeks to advance or restrict the principles of sex education. **Tennessee's 2025-2026 legislative session convenes January 14th, 2025, and adjourns April 24th, 2026.** 

Further, advocates can contact their representatives to discuss the need for a statewide sex education mandate that is not centered on "sexual risk avoidance" in Tennessee. Advocates are encouraged to use the <u>SIECUS</u>

<u>Community Action Toolkit</u> 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 (<a href="mailto:mestes@siecus.org">mestes@siecus.org</a>)

## More on sex ed in Tennessee...

State Law: A Closer Look

Tennessee Code Section § 49-6-1301 defines family life education as:

"an abstinence-centered sex education program that builds a foundation of knowledge and skills relating to character development, human development, decision making, **abstinence**, **contraception and disease prevention**"

And further defines "abstinence-centered" as

"an approach that **promotes sexual risk avoidance**, or primary prevention, and teaches vital life skills that empower youth to **identify healthy and unhealthy relationships**, accurately understand **sexually transmitted diseases** and **contraception**, set goals, make healthy life decisions, and build character:

Abstinence-centered education is a holistic approach that addresses the physical, social, emotional, psychological, economic and educational consequences of nonmarital sexual activity;"

Tennessee law (§ 49-6-1302, 49-6-1304, and 49-6-1305) requires local education agencies to develop and implement a family life education program. These programs must promote "sexual risk avoidance" as their primary goal, and instruction that promotes "gateway sexual activity" is prohibited.

If such family life education programs are provided, they must:

- 1. Emphatically promote only sexual risk avoidance through abstinence, regardless of a student's current or prior sexual experience;
- Encourage sexual health by helping students understand how sexual activity affects the whole person including the physical, social, emotional, psychological, economic and educational consequences of nonmarital sexual activity;
- 3. Teach the positive results of avoiding sexual activity, the skills needed to make healthy decisions, the advantages of and skills for student success in pursuing educational and life goals, the components of healthy relationships, and the social science research supporting the benefits of reserving the expression of human sexual activity for marriage;
- 4. Provide factually and medically-accurate information;
- 5. Teach students how to form pro-social habits that enable students to develop healthy relationships, create strong marriages, and form safe and stable future families:
- 6. Encourage students to communicate with a parent, guardian, or other trusted adult about sex or other risk behaviors;
- 7. Assist students in learning and practicing refusal skills that will help them resist sexual activity;
- 8. Address the benefits of raising children within the context of a marital relationship and the unique challenges that single teen parents encounter in relation to educational, psychological, physical, social, legal, and financial factors;
- 9. Discuss the interrelationship between teen sexual activity and exposure to other risk behaviors such as smoking, underage drinking, drug use, criminal activity, dating violence, and sexual aggression;
- 10. Educate students on the age of consent, puberty, pregnancy, childbirth, sexually transmitted diseases, including but not limited to HIV/AIDS, and the financial and emotional responsibility of raising a child;
- 11. Teach students how to identify and form healthy relationships, and how to identify and avoid unhealthy relationships;
- 12. Notwithstanding § 49-6-1302(a)(1), inform students, in all LEAs, concerning the process of adoption and its benefits. The state board of education, with the assistance of the department of education, shall develop guidelines for appropriate kindergarten through grade twelve (K-12) instruction on adoption, what adoption is, and the benefits of adoption. The guidelines shall be distributed by the department of education to each LEA by the start of the 2015-2016 school year;

- 13. Provide instruction on the detection, intervention, prevention, and treatment of child sexual abuse, human trafficking, and sexual exploitation of a minor:
- 14. Provide instruction on the prevention of dating violence.

Further, the statute states that family life curriculum must NOT:

- Promote, implicitly or explicitly, any gateway sexual activity or health message that encourages students to experiment with noncoital sexual activity;
- 2. Provide or distribute materials on school grounds that condone, encourage or promote student sexual activity among unmarried students;
- 3. Display or conduct demonstrations with devices specifically manufactured for sexual stimulation; or
- 4. Distribute contraception on school property; provided, however, that **medically accurate information about contraception and condoms** that is consistent with public policy may be provided so long as the information is:
  - a. Presented in a manner consistent with this part and that clearly informs students that while such methods may reduce the risk of acquiring sexually transmitted diseases or becoming pregnant, only abstinence removes all risk;
  - b. Reviewed and approved by the local board of education or charter school governing body, prior to the information being used by the LEA or public charter school in a family life curriculum, to ensure that it is:
    - i. Medically accurate;
    - ii. Age appropriate;
    - iii. In compliance with this part; and
    - iv. Aligned to academic standards in this state; and
    - v. Provided, upon request, to a parent of a student attending a school in the LEA or charter school, to allow the parent to review the information and to opt the parent's student out of receiving the information as part of a family life curriculum, without penalty.

As a result of <u>House Bill 2435</u> (2024), <u>Tennessee Code Annotated, Section 49-6-1304(c)</u> also requires the inclusion of:

"a high-quality, computer-generated animation or high-definition ultrasound of at least three (3) minutes in duration that shows the development of the brain, heart, and other vital organs in early fetal development, such as "Meet Baby Olivia," a high-quality, computer-generated animation developed by Live Action that shows the process of fertilization and the stages of human development inside the uterus."

Additionally, <u>House Bill 996</u> was signed into law and amends the same section by adding subsection (d) which prohibits sex education in grades kindergarten through fifth except on child sexual abuse prevention.

As a result of <u>Senate Bill 471</u> (2025), Tennessee Code Annotated, Section 49-6-1304(a) requires family life education to instruct on "positive personal and societal outcomes associated with the success sequence".

Tennessee Code § 49-6-1305 allows students to be removed from sex education classes upon written request from their parent or guardian. This is referred to as an "opt-out" policy. However, parents must "opt in" or sign a parental consent form for their child to receive any instruction on sexual orientation and gender identity, as outlined in <u>Tennessee Code § 49-6-1308</u>.

Lastly, <u>Tennessee Code § 49-6-1306</u> establishes civil penalties and course disciplinary action against teachers who promote "gateway sexual activity" including a fine of \$500.

#### **State Standards**

The <u>Tennessee Health Education Standards</u> include instruction on puberty in elementary school. Beginning in grade 6, the standards include the expectation that students will learn human reproduction, anatomy, pregnancy, and STI prevention. The <u>Tennessee Lifetime Wellness Curriculum Standards</u>, which students must complete to graduate high school, mandate a section on sexuality and relationships. The standards describe abstinence as a "positive choice" but also include instruction on contraception.

### 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 Tennessee's 2023 YRBS results, click here. In 2023, Tennessee participated in high school YRBS data collection only, not middle school.

### **Tennessee 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 Tennessee's results from the 2022 School Health Profiles Survey, visit CDC's School Health Profiles Explorer tool.

Visit the CDC's <u>School Health Profiles</u> 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.