



## Texas State of Sex Ed

Health education that includes sexual health topics is required due to mandated state standards within administrative code, but it is opt-in and abstinence-plus (emphasizing abstinence while also requiring contraception to be taught). No medical accuracy requirement. Must include HIV/STIs, but discussion of consent is not required. Must "state that homosexuality is not an acceptable lifestyle" and "that it is a criminal offense under the Texas Penal Code."



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### Current Requirement

- 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, healthy relationships, 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.

- *Due to a pending bill awaiting signature, curriculum will now restrict instruction on sexual orientation and gender identity preK-12.*
- 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 progress in advancing sex education requirements and to defend against many oppositional attacks on inclusive school curriculum and reproductive rights. In 2020, the Texas State Board of Education revised the Texas Essential Knowledge and Skills (TEKS) for Health Education and added required instruction on birth control methods while still emphasizing abstinence. In the current session, [House Bill 1273](#) and [House Bill 5056](#) aim to take this further and outline a more comprehensive framework that would require medically accurate instruction on human sexuality including consent and personal boundaries and sexual orientation and gender identity. Unfortunately, bills like the aforementioned have yet to make progress through the legislature which has instead been favorable to more oppositional efforts. For example, in the current session [Senate Bill 1396](#) has passed one chamber and if successful, would prohibit the adoption of the [National Sex Education Standards](#) in schools which is a framework for K-12 comprehensive sex education.

Advocates and lawmakers have also made efforts to repeal the state's discriminatory requirements on stigmatizing sexual orientation and gender identity in sex education through **8 bills** ([Senate Bill 81](#), [Senate Bill 82](#), [Senate Bill 111](#), [Senate Bill 2046](#), [House Bill 3160](#), [House Bill 2055](#), [House Bill 2048](#)) in 2023 and 2 bills ([House Bill 1738](#), [Senate Bill 2723](#)) in 2025; but these have been unsuccessful thus far.

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.* This law, however, contained an expiration clause for 2024. As a result

[Senate Bill 163](#), [Senate Bill 59](#), [House Bill 478](#), and [House Bill 78](#) were introduced in the 2023 session and [House Bill 7](#), [Senate Bill 371](#), [House Bill 1158](#), [Senate Bill 87](#), and [Senate Bill 12](#) in the current 2025 session, in efforts to make the previous law permanent. *[Senate Bill 12](#) has passed both chambers and is currently awaiting Governor Abbot's signature. This will cement a parental opt-in policy for sex education in state law and also prohibit any instruction on sexual orientation and gender identity in grades pre-K through twelve.*

At the intersection of sex education and abortion access, recent legislation attempting to require unnecessary “fetal development” instruction has been introduced. This legislation is not about sex education, rather it is an attempt to promote misinformation and perpetuate abortion stigma. Although not explicitly mentioned in all legislation, this instruction typically includes an anti-abortion propaganda film called “Meet Baby Olivia”, produced by notorious extremist group, LiveAction. In 2023, [Senate Bill 410](#), [Senate Bill 30](#), and [House Bill 60](#) were introduced to this end but ultimately unsuccessful. In 2025, [House Bill 196](#), [House Bill 3739](#), [House Bill 4208](#), [House Bill 3972](#), and [Senate Bill 205](#) have all been introduced and, if passed, would allow for anti-abortion propaganda to flood Texas classrooms. Moreover, [House Bill 4183](#) was introduced and would explicitly ban any instruction on abortion in schools, creating a criminal offense for educators that do so.

Further, advocates expect additional aggressive legislative attacks on sexual and reproductive rights in a state that is notorious for its mistreatment of transgender youth and their families. In 2022, Governor Greg Abbott [ordered the Texas Department of Family Protective Services](#) to investigate parents of transgender youth for “child abuse”. In 2023, [Senate Bill 14](#) passed and prohibits health professionals from providing gender affirming care for minors.

Since Texas schools are not required to provide additional sex education beyond health education that is offered in middle school to students, school districts are left to decide what type of education—if any at all—they provide to youth. These limitations present unique challenges that have resulted in glaring disparities regarding the quality of sex education that students receive. For example, while some school districts like [Austin Independent School District](#) are able to provide comprehensive sex education, many school

districts are only teaching required abstinence plus instruction, or worse, abstinence only and [inviting dangerous crisis pregnancy centers \(CPCs\) to provide human sexuality lessons](#). In Texas, such discretion allows for the implementation of curriculum that is intended to 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 sex education.

Right now, advocates can take action to ensure young people in Texas have unrestricted access to sex education. After contacting their local school board, advocates can determine whether abstinence-plus instruction is being taught and what curriculum is being used to align with TEKS standards. They can then vocalize the importance of advancing sex education requirements in their community beyond emphasizing on abstinence and also the importance of instructing on consent, sexual orientation, and gender identity to truly meet the needs of all young Texans. Advocates can also push for the TEKS to be aligned with the [National Sex Education Standards](#). Additionally, advocates must remain vigilant and defend against continuous attacks on sex education that seek to permanently institute an “opt in” policy or require stigmatizing and inappropriate “fetal development” instruction. Advocates are encouraged to take action on pending legislation that seeks to advance or restrict the principles of sex education. **Texas’s 2025 legislative session convenes January 14th, 2025, and adjourns June 2nd, 2025.** The Texas legislature does not convene in even-numbered years.

Further, advocates can contact their representatives to discuss the need for a statewide sex education mandate and TEKS standards that are not based on a “abstinence-plus” model but treat all decision-making by young people equally and without shame in Texas. 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](mailto:mestes@siecus.org))

## **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>[4]</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.

According to [Texas Education Code § 28.004, subsection \(i-2\)](#), before any instruction in human sexuality is provided, schools must obtain written parental consent; although, this clause has since expired and anti-sex ed lawmakers tried to extend it permanently in the 2025 session. *As a result, Senate Bill 12 passed and, if enacted, will permanently require parents to provide their written consent before their child receives human sexuality instruction. This is referred to as an “opt-in” policy.*

## State Standards

In 2020, the [Texas Essential Knowledge and Skills for Health Education](#) were revised and included instruction on anatomy, contraception (including condoms) and STI prevention in middle and high school while continuing to emphasize abstinence. It also added standards on healthy relationships and the importance of physical boundaries.

## 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 Texas's 2023 YRBS results, [click here](#).** In 2023, Texas participated in high school YRBS data collection only, not middle school.

## Texas 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 Texas'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](#).**