

By: Representatives Clarke, Mayo, Dickson, Hines, Banks, Broomfield, Brown, Buck (5th), Buck (72nd), Calhoun, Coleman (29th), Coleman (65th), DuVall, Ellis, Espy, Evans (70th), Fredericks, Gardner, Harrison, Holland, Huddleston (30th), Johnson, Jones (111th), Middleton, Moak, Perkins, Puckett, Robinson, Straughter, Thomas, Whittington

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 837

1 AN ACT TO AMEND SECTION 37-13-171, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE EACH LOCAL SCHOOL BOARD TO ADOPT A SEX-RELATED
3 EDUCATION POLICY TO IMPLEMENT ABSTINENCE-ONLY OR ABSTINENCE-PLUS
4 EDUCATION INTO ITS LOCAL SCHOOL DISTRICT'S CURRICULUM BY JUNE 30,
5 2011; TO REQUIRE THE STATE DEPARTMENT TO APPROVE EACH DISTRICT'S
6 CURRICULUM FOR SEX-RELATED EDUCATION AND ESTABLISH A PROTOCOL TO
7 BE USED BY DISTRICTS TO PROVIDE CONTINUITY IN TEACHING THE
8 APPROVED CURRICULUM; TO PROVIDE THAT INSTRUCTION IN SCHOOL
9 DISTRICTS IMPLEMENTING ABSTINENCE-PLUS EDUCATION INTO THE
10 CURRICULUM MAY BE EXPANDED BEYOND THE INSTRUCTION FOR
11 ABSTINENCE-ONLY EDUCATION WITHIN PARAMETERS APPROVED BY THE
12 DEPARTMENT; TO DEFINE ABSTINENCE-PLUS EDUCATION; TO REMOVE THE
13 AUTHORITY GIVEN TO LOCAL SCHOOL BOARDS TO VOTE IN FAVOR OF
14 TEACHING SEX EDUCATION WITHOUT ANY INSTRUCTION ON ABSTINENCE; TO
15 PROHIBIT ANY TEACHING THAT ABORTION CAN BE USED TO PREVENT THE
16 BIRTH OF A BABY; TO REQUIRE BOYS AND GIRLS TO BE SEPARATED INTO
17 DIFFERENT CLASSES BY GENDER AT ALL TIMES WHEN SEX-RELATED
18 EDUCATION IS DISCUSSED OR TAUGHT; TO PROVIDE FOR THE REPEAL OF
19 THIS SECTION ON JULY 1, 2015; TO AMEND SECTION 37-13-173,
20 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO STUDENT SHALL BE
21 REQUIRED TO TAKE OR PARTICIPATE IN ANY CLASS OR COURSE IN
22 SEX-RELATED EDUCATION UNLESS THE STUDENT'S PARENT OR GUARDIAN
23 SUBMITS A WRITTEN REQUEST TO THAT PARTICIPATION; TO AMEND SECTION
24 2, CHAPTER 507, LAWS OF 2009, TO REVISE THE DUTIES OF THE TEEN
25 PREGNANCY TASK FORCE AND TO EXTEND THE DATE OF THE REPEAL ON THE
26 TASK FORCE TO JULY 1, 2015; AND FOR RELATED PURPOSES.

27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

28 **SECTION 1.** Section 37-13-171, Mississippi Code of 1972, is
29 amended as follows:

30 37-13-171. (1) The local school board of every public
31 school district shall adopt a policy to implement abstinence-only
32 or abstinence-plus education into its curriculum by June 30, 2011,
33 which instruction in those subjects shall be implemented not later
34 than the start of the 2011-2012 school year. The State Department
35 of Education shall approve each district's curriculum for
36 sex-related education and shall establish a protocol to be used by
37 districts to provide continuity in teaching the approved



38 curriculum in a manner that is age, grade and developmentally
39 appropriate.

40 (2) Abstinence-only education shall remain the state
41 standard for any sex-related education taught in the public
42 schools. However, in any school district in which the local
43 school board chooses the option to implement abstinence-plus
44 education into its curriculum for sex-related education, that
45 instruction may be expanded beyond the instruction given for
46 abstinence-only education within the parameters approved by the
47 department. For purposes of this section, abstinence-only
48 education includes any type of instruction or program which, at an
49 appropriate age and grade:

50 (a) Teaches the social, psychological and health gains
51 to be realized by abstaining from sexual activity, and the likely
52 negative psychological and physical effects of not abstaining;

53 (b) Teaches the harmful consequences to the child, the
54 child's parents and society that bearing children out of wedlock
55 is likely to produce, including the health, educational, financial
56 and other difficulties the child and his or her parents are likely
57 to face, as well as the inappropriateness of the social and
58 economic burden placed on others;

59 (c) Teaches that unwanted sexual advances are
60 irresponsible and teaches how to reject sexual advances and how
61 alcohol and drug use increases vulnerability to sexual advances;

62 (d) Teaches that abstinence from sexual activity before
63 marriage, and fidelity within marriage, is the only certain way to
64 avoid out-of-wedlock pregnancy, sexually-transmitted diseases and
65 related health problems. The instruction or program may include a
66 discussion on contraceptives, but only if that discussion includes
67 a factual presentation of the risks * * * of those contraceptives.
68 In no case shall the instruction or program include any
69 demonstration of how condoms or other contraceptives are applied;



70 (e) Teaches the current state law related to sexual
71 conduct, including forcible rape, statutory rape, paternity
72 establishment, child support and homosexual activity; and

73 (f) Teaches that a mutually faithful, monogamous
74 relationship in the context of marriage is the only appropriate
75 setting for sexual intercourse.

76 (3) A program or instruction on sex-related education need
77 not include every component listed in subsection (2) of this
78 section for abstinence-only education. However, no program or
79 instruction under an abstinence-only curriculum may include
80 anything that contradicts the excluded components. In any school
81 district approving an abstinence-plus curriculum, the scope of
82 instruction may be expanded. For purposes of this section,
83 abstinence-plus education includes every component listed under
84 subsection (2) of this section that is age and grade appropriate,
85 in addition to any other programmatic or instructional component
86 approved by the department, which shall not be limited to
87 instruction and demonstrations on the application and use of
88 condoms or other contraceptives, the nature, causes and effects of
89 sexually transmitted diseases, or the prevention of sexually
90 transmitted diseases, including HIV/AIDS.

91 (4) Any course containing sex-related education offered in
92 the public schools shall include instruction in either
93 abstinence-only or abstinence-plus education. * * *

94 (5) Local school districts, in their discretion, may host
95 programs designed to teach parents how to discuss abstinence with
96 their children.

97 (6) There may be no effort in either an abstinence-only or
98 an abstinence-plus curriculum to teach that abortion can be used
99 to prevent the birth of a baby.

100 (7) At all times when sex-related education is discussed or
101 taught, boys and girls shall be separated according to gender into
102 different classrooms, sex-related education instruction may not be



103 conducted when boys and girls are in the company of any students
104 of the opposite gender.

105 (8) This section shall stand repealed on July 1, 2015.

106 **SECTION 2.** Section 37-13-173, Mississippi Code of 1972, is
107 amended as follows:

108 37-13-173. (1) Each school providing instruction or any
109 other presentation on human sexuality in the classroom, assembly
110 or other official setting shall be required to provide no less
111 than one (1) week's written notice thereof to the parents of
112 children in such programs of instruction. The written notice must
113 inform the parents of their right to request the exclusion of
114 their child from such instruction or presentation. The notice
115 also must inform the parents of the right, and the appropriate
116 process, to review the curriculum and all materials to be used in
117 the lesson or presentation. Upon the request of any parent, the
118 school shall excuse the parent's child from such instruction or
119 presentation, without detriment to the student.

120 (2) A student may not be required to take or participate in
121 any class or course in sex-related education unless the student's
122 parent or guardian submits a written request that the student be
123 allowed to participate in a manner consistent with notice required
124 of schools under subsection (1) of this section. Objection and
125 refusal to take or participate in the course or program shall be
126 without detriment to the student. Nothing in this section
127 prohibits instruction in sanitation, hygiene or traditional
128 courses in biology.

129 **SECTION 3.** Section 2, Chapter 507, Laws of 2009, is amended
130 as follows:

131 Section 2. (1) There is created the Teen Pregnancy
132 Monitoring Task Force to study and make recommendation to the
133 Legislature on the implementation of sex-related educational
134 courses through abstinence-only or abstinence-plus education into
135 the curriculum of local school districts and the coordination of



136 services by certain state agencies to reduce teen pregnancy and
137 provide prenatal and postnatal training to expectant teen parents
138 in Mississippi. The task force shall make an annual report of its
139 findings and recommendations to the Legislature beginning with the
140 2011 Regular Session.

141 (2) The task force shall be composed of the following
142 sixteen (16) members:

143 (a) The Chairmen of the Senate and House Public Health
144 and Welfare Committees, or their designees;

145 (b) The Chairmen of the Senate and House Education
146 Committees, or their designees;

147 (c) The Chairman of the House Select Committee on
148 Poverty;

149 (d) One (1) member of the Senate appointed by the
150 Lieutenant Governor;

151 (e) The Executive Director of the Department of Human
152 Services, or his or her designee;

153 (f) The State Health Officer, or his or her designee;

154 (g) The State Superintendent of Public Education, or
155 his or her designee;

156 (h) The Executive Director of the Division of Medicaid,
157 or his or her designee;

158 (i) The Executive Director of the State Department of
159 Mental Health, or his or her designee;

160 (j) The Vice Chancellor for Health Affairs and Dean of
161 the University of Mississippi Medical Center School of Medicine,
162 or his or her designee;

163 (k) Two (2) representatives of the private health or
164 social services sector appointed by the Governor;

165 (l) One (1) representative of the private health or
166 social services sector appointed by the Lieutenant Governor; and



167 (m) One (1) representative of the private health or
168 social services sector appointed by the Speaker of the House of
169 Representatives.

170 (3) Appointments shall be made within thirty (30) days after
171 the effective date of this act, and, within fifteen (15) days
172 thereafter on a day to be designated jointly by the Speaker of the
173 House and the Lieutenant Governor, the task force shall meet and
174 organize by selecting from its membership a chairman and a vice
175 chairman. The vice chairman shall also serve as secretary and
176 shall be responsible for keeping all records of the task force. A
177 majority of the members of the task force shall constitute a
178 quorum. In the selection of its officers and the adoption of
179 rules, resolutions and reports, an affirmative vote of a majority
180 of the task force shall be required. All members shall be
181 notified in writing of all meetings, the notices to be mailed at
182 least fifteen (15) days before the date on which a meeting is to
183 be held. If a vacancy occurs on the task force, the vacancy shall
184 be filled in the manner that the original appointment was made.

185 (4) Members of the task force who are not legislators, state
186 officials or state employees shall be compensated at the per diem
187 rate authorized by Section 25-3-69 and shall be reimbursed in
188 accordance with Section 25-3-41 for mileage and actual expenses
189 incurred in the performance of their duties. Legislative members
190 of the task force shall be paid from the contingent expense funds
191 of their respective houses in the same manner as provided for
192 committee meetings when the Legislature is not in session.
193 However, no per diem or expense for attending meetings of the task
194 force may be paid to legislative members of the task force while
195 the Legislature is in session. No task force member may incur per
196 diem, travel or other expenses unless previously authorized by
197 vote, at a meeting of the task force, which action shall be
198 recorded in the official minutes of the meeting. Nonlegislative



199 members shall be paid from any funds made available to the task
200 force for that purpose.

201 (5) The task force shall use clerical and legal staff
202 already employed by the Legislature and any other staff assistance
203 made available to it by the Department of Health, the Mississippi
204 Department of Human Services, the Department of Mental Health, the
205 State Department of Education and the Division of Medicaid. To
206 effectuate the purposes of this section, any department, division,
207 board, bureau, commission or agency of the state or of any
208 political subdivision thereof shall, at the request of the
209 chairman of the task force, provide to the task force such
210 facilities, assistance and data as will enable the task force
211 properly to carry out its duties.

212 (6) In order to carry out the functions and responsibilities
213 necessary to study and make recommendations to the Legislature,
214 the Teen Pregnancy Monitoring Task Force shall:

215 (a) Form task force subgroups based on specific areas
216 of expertise;

217 (b) Review and consider coordinated services and plans
218 and related studies done by or through existing state agencies and
219 advisory, policy or research organizations to reduce teen
220 pregnancy and provide the necessary prenatal and postnatal
221 training to expectant teen parents;

222 (c) Review and consider statewide and regional planning
223 initiatives related to teen pregnancy;

224 (d) Consider efforts of stakeholder groups to comply
225 with federal requirements for coordinated planning and service
226 delivery; * * *

227 (e) Evaluate the implementation of sex-related
228 educational courses through abstinence-only or abstinence-plus
229 education in local school districts throughout the state;

230 (f) Evaluate the effect of the adoption of a required
231 sex education policy on teen pregnancy rates and dropout rates due



232 to teen pregnancy on the local school district and statewide
233 levels;

234 (g) Compare and analyze data in districts adopting and
235 implementing abstinence-only education to districts adopting
236 abstinence-plus education;

237 (h) Require the Department of Health, the Mississippi
238 Department of Human Services, the Department of Mental Health, the
239 State Department of Education and the Division of Medicaid to
240 conduct a study of community programs available throughout the
241 state, and the areas wherein they are located, which provide
242 programs of instruction on sexual behavior and assistance to teen
243 parents; and

244 (i) Work through the Department of Health, the
245 Mississippi Department of Human Services, the Department of Mental
246 Health, the State Department of Education and the Division of
247 Medicaid to cause any studies, assessments and analyses to be
248 conducted as may be deemed necessary by the task force.

249 (7) This section shall stand repealed on July 1, 2015.

250 **SECTION 4.** This act shall take effect and be in force from
251 and after July 1, 2010.

