

By: Representatives Scott, Burnett, Espy,
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To: Education

HOUSE BILL NO. 965

1 AN ACT TO REQUIRE THAT COMPREHENSIVE SEX EDUCATION BE TAUGHT
2 IN GRADES K THROUGH 12; TO REQUIRE THAT THE INSTRUCTION EMPHASIZE
3 ABSTINENCE AS THE EXPECTED NORM; TO ESTABLISH THE CRITERIA
4 REQUIRED FOR THE INSTRUCTION OF SEX EDUCATION COURSES IN A MANNER
5 THAT IS AGE AND DEVELOPMENTALLY APPROPRIATE; TO AMEND SECTION
6 37-13-135, MISSISSIPPI CODE OF 1972, TO DIRECT THE LOCAL SCHOOL
7 BOARDS TO ADOPT PLANS FOR THE IMPLEMENTATION OF THE COMPREHENSIVE
8 SCHOOL HEALTH EDUCATION PROGRAM, WHICH SHALL INCLUDE INSTRUCTION
9 IN COMPREHENSIVE SEX EDUCATION; TO AMEND SECTION 37-14-3,
10 MISSISSIPPI CODE OF 1972, TO REQUIRE PUBLIC SCHOOL NURSES TO
11 PROVIDE INSTRUCTION IN EACH OF THE COMPONENTS OF THE COMPREHENSIVE
12 SCHOOL HEALTH EDUCATION PROGRAM; TO REQUIRE THE OFFICE OF HEALTHY
13 SCHOOLS TO SUBMIT POLICY RECOMMENDATIONS TO THE STATE BOARD OF
14 EDUCATION FOR THE ADOPTION OF ANY RULES AND REGULATIONS RELATING
15 TO THE PROGRAM; TO AMEND SECTIONS 37-13-131 AND 37-13-171,
16 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
17 ACT; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** (1) (a) No student shall be required to take or
20 participate in any class or course in comprehensive sex education
21 if the student's parent or guardian submits written objection to
22 that participation in a manner consistent with notice required of
23 schools under Section 37-13-173, informing the parent or guardian
24 of the right to exclude their child from participation. Objection
25 and refusal to take or participate in the course or program shall
26 be without detriment to the student for suspension or expulsion.
27 Each class or course in comprehensive sex education offered in any
28 of Grades K through 12 shall include instruction on the prevention
29 of sexually transmitted infections, including the prevention,
30 transmission and spread of HIV. Nothing in this section prohibits
31 instruction in sanitation, hygiene or traditional courses in
32 biology.



33 (b) All public elementary, junior high and senior high
34 school classes that teach sex education and discuss sexual
35 activity or behavior shall emphasize that abstinence is the
36 expected norm in that abstinence from sexual activity or behavior
37 is the only protection that is one hundred percent (100%)
38 effective against unwanted teenage pregnancy, sexually transmitted
39 infections and HIV when transmitted sexually.

40 (2) (a) For the purposes of this subsection:

41 (i) "Factual information" includes, without
42 limitation, medical, psychiatric, psychological, empirical and
43 statistical statements.

44 (ii) "Medically accurate" means verified or
45 supported by research conducted in compliance with scientific
46 methods, published in peer-review journals, where appropriate, and
47 recognized as accurate and objective by professional organizations
48 and agencies with expertise in the relevant field.

49 (b) All sex education courses that discuss sexual activity
50 or behavior must satisfy the following criteria:

51 (i) Factual information presented in course
52 material and instruction shall be medically accurate and
53 objective;

54 (ii) All course material and instruction shall be
55 age and developmentally appropriate;

56 (iii) Course material and instruction shall
57 include a discussion of sexual abstinence as a method to prevent
58 unintended pregnancy and sexually transmitted infections,
59 including HIV;

60 (iv) Course material and instruction shall present
61 the latest medically factual information regarding both the
62 possible side effects and health benefits of all forms of
63 contraception, including the success and failure rates for the
64 prevention of pregnancy and sexually transmitted infections,
65 including HIV;



66 (v) Course material and instruction shall include
67 a discussion of the possible consequences of unintended pregnancy
68 and sexually transmitted infections, including HIV;

69 (vi) Course material and instruction shall stress
70 that sexually transmitted infections are serious possible hazards
71 of sexual activity or behavior. Students shall be provided with
72 statistics based on the latest medical information citing the
73 failure and success rates of all contraceptive methods in
74 preventing unintended pregnancies and HIV and other sexually
75 transmitted infection;

76 (vii) Course material and instruction shall advise
77 students of the laws pertaining to their financial responsibility
78 to children born in and out of wedlock;

79 (viii) Course material and instruction shall
80 advise students that it is unlawful for males or females of any
81 age to engage in sexual conduct or have sexual relations with a
82 minor under a certain age;

83 (ix) Course material and instruction shall discuss
84 and provide for the development of positive communication skills
85 to maintain healthy relationships and avoid unwanted sexual
86 activity;

87 (x) Course material and instruction shall
88 emphasize that the student has the power to control personal
89 behavior. Students shall be encouraged to base their actions on
90 reasoning, self-discipline, sense of responsibility, self-control,
91 and ethical considerations, such as respect for oneself and
92 others;

93 (xi) Course material and instruction shall teach
94 students to refrain from making unwanted physical and verbal
95 sexual advances and how to reject unwanted sexual advances and
96 shall include information about verbal, physical, and visual
97 sexual harassment, including, without limitation, nonconsensual
98 sexual advances, nonconsensual physical sexual contact, and rape



99 by an acquaintance. The course material and instruction shall
100 contain methods of preventing sexual assault by an acquaintance,
101 including exercising good judgment and avoiding behavior that
102 impairs one's judgment. The course material and instruction shall
103 emphasize personal accountability and respect for others and shall
104 also encourage youth to resist negative peer pressure. The course
105 material and instruction shall inform students of the potential
106 legal consequences of sexual assault by an acquaintance;

107 (xii) Course material and instruction shall teach
108 male students about male accountability for sexual violence and
109 shall teach female students about reducing vulnerability for
110 sexual violence;

111 (xiii) Course material and instruction shall teach
112 students about counseling, medical, and legal resources available
113 to survivors of sexual abuse and sexual assault, including
114 resources for escaping violent relationships;

115 (xiv) Course material and instruction shall teach
116 students that it is wrong to take advantage of or to exploit
117 another person; and

118 (xv) Course material and instruction shall be free
119 of racial, ethnic, gender, religious or sexual orientation biases.

120 (c) An opportunity shall be afforded to parents or
121 guardians to examine the instructional materials to be used in the
122 class or course.

123 (3) Nothing in this section shall be construed to conflict
124 with or repeal the provisions of laws relating to abstinence
125 education and its components under Section 37-13-171.

126 **SECTION 2.** Section 37-13-131, Mississippi Code of 1972, is
127 amended as follows:

128 37-13-131. (1) The State Department of Education is
129 designated as the state agency responsible for the administration
130 and supervision of the Comprehensive School Health Education
131 Program as an educational curriculum in the State of Mississippi.



132 It is the intent of the Legislature that all funds made available
133 to the State Department of Education for the purpose of
134 comprehensive school health education shall be administered by the
135 State Department of Education.

136 (2) In accordance with the provisions of subsection (1) of
137 this section, the State Department of Education is authorized to
138 establish an Office of Comprehensive School Health Education
139 within the framework of the State Department of Education for the
140 purpose of developing standards, procedures and criteria for the
141 administration and supervision of a statewide program of health
142 education in kindergarten through Grade 12. The State Department
143 of Education, through the Office of Comprehensive School Health
144 Education, shall assume the further responsibility for promoting a
145 statewide effort designed to prepare local school faculties and
146 staffs to incorporate the comprehensive health education concept
147 into their local educational programs.

148 (3) The Mississippi Department of Health, in conjunction
149 with the Office of Student Development-Branch of Health-Related
150 Services of the State Department of Education, shall develop a
151 long-range strategic plan for a Comprehensive School Health
152 Education Program in Grades K through 12. The Comprehensive
153 School Health Education Program shall encompass five (5)
154 interdependent components: (a) health education; (b) health
155 service; (c) physical education and fitness; * * * (d) a healthful
156 school environment; and (e) sex education as provided under
157 Section 1 of this act. These curriculum components shall be
158 designed to develop decision-making competencies related to health
159 and health behavior. These curriculum components are intended to
160 motivate health maintenance and promote wellness, not only to
161 prevent disease or disability. * * *

162 **SECTION 3.** Section 37-13-135, Mississippi Code of 1972, is
163 amended as follows:



164 37-13-135. (1) In addition to all other authority, duties
165 and powers the school boards of the school districts of this state
166 may now have, each shall adopt plans for the implementation of the
167 Comprehensive School Health Education Program into the local
168 school curriculum, which shall include instruction in
169 comprehensive sex education.

170 (2) School boards shall appoint a local health education
171 council to make recommendations regarding a comprehensive health
172 education curriculum.

173 (3) There shall be cooperation between the State Department
174 of Education, Office of Comprehensive School Health Education and
175 the school boards of the several school districts in implementing
176 this program as it best suits the needs of the individual
177 districts.

178 (4) The Commission on School Accreditation shall encourage
179 the development of plans of comprehensive school health education
180 and the implementation thereof.

181 **SECTION 4.** Section 37-13-171, Mississippi Code of 1972, is
182 amended as follows:

183 37-13-171. (1) Notwithstanding any other provision to the
184 contrary, abstinence education shall be the state standard for any
185 sex-related education taught in the public schools. For purposes
186 of this section, abstinence education includes any type of
187 instruction or program which, at an appropriate age:

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

191 (b) Teaches the harmful consequences to the child, the
192 child's parents and society that bearing children out of wedlock
193 is likely to produce, including the health, educational, financial
194 and other difficulties the child and his or her parents are likely
195 to face, as well as the inappropriateness of the social and
196 economic burden placed on others;



197 (c) Teaches that unwanted sexual advances are
198 irresponsible and teaches how to reject sexual advances and how
199 alcohol and drug use increases vulnerability to sexual advances;

200 (d) Teaches that abstinence from sexual activity before
201 marriage, and fidelity within marriage, is the only certain way to
202 avoid out-of-wedlock pregnancy, sexually-transmitted diseases and
203 related health problems. The instruction or program may include a
204 discussion on contraceptives, but only if the discussion includes
205 a factual presentation of the risks (failure rates, diseases not
206 protected against) of those contraceptives. In no case shall the
207 instruction or program include any demonstration of how condoms or
208 other contraceptives are applied;

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

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

215 (2) A program or instruction on sex education need not
216 include every component listed in subsection (1), however, no
217 program or instruction may include anything that contradicts the
218 excluded components.

219 (3) Any course containing sex education offered in the
220 public schools shall include instruction in abstinence education.
221 However, the local school board may authorize, by affirmative vote
222 of a majority of the members, the teaching of sex education
223 without instruction on abstinence. In that event, the curriculum
224 offered in the schools relating to sex education must be approved
225 by a majority of the school board members.

226 (4) Local school districts, in their discretion, may host
227 programs designed to teach parents how to discuss abstinence with
228 their children.



229 **SECTION 5.** Section 37-14-3, Mississippi Code of 1972, is
230 amended as follows:

231 37-14-3. (1) The State Department of Education is
232 designated as the state agency responsible for the administration
233 and supervision of the school nurse program as an education and
234 wellness curriculum in the public schools of the State of
235 Mississippi. The public school nurse program administered by the
236 State Department of Education shall be known and may be cited as
237 the "Mary Kirkpatrick Haskell-Mary Sprayberry Public School Nurse
238 Program." It is the intent of the Legislature that all funds made
239 available to the State Department of Education for the purpose of
240 employing school nurses shall be administered by the State
241 Department of Education.

242 (2) The State Department of Education, through the Office of
243 Healthy Schools, shall develop standards, procedures and criteria
244 for the public school nurse programs in kindergarten through Grade
245 12. The Office of Healthy Schools of the State Department of
246 Education shall assume the responsibility for promoting a
247 statewide school nurse program designed to prepare local school
248 districts to incorporate the school program into their local
249 educational programs.

250 (3) From and after July 1, 2007, the School Nurse
251 Intervention Program administered and funded by the State
252 Department of Health shall be transferred to the Office of Healthy
253 Schools of the State Department of Education. Any administrative
254 personnel employed by the State Department of Health for the
255 administration of school nurses under the School Nurse
256 Intervention Program may be considered for employment by the
257 Office of Healthy Schools of the State Department of Education for
258 the purpose of coordinating the employment of school nurses in the
259 school districts. Any administrative personnel formerly employed
260 by the Partnership for a Healthy Mississippi, Inc., for the
261 administration of school nurses in the public schools may be



262 considered for employment by the Office of Healthy Schools of the
263 State Department of Education for the purpose of coordinating the
264 employment of school nurses in the school districts. All records
265 and unexpended balances of accounts in the School Nurse
266 Intervention Program relating to the employment of school nurses
267 shall be transferred to the Office of Healthy Schools in the State
268 Department of Education in accordance with the transfer of
269 responsibility under this chapter.

270 (4) The nurses in the Mary Kirkpatrick Haskell-Mary
271 Sprayberry Public School Nurse Program shall have the following
272 specific responsibilities:

273 (a) Serve as the coordinator of the health services
274 program and provide nursing care;

275 (b) Provide health education to students, including
276 providing instruction in each of the components of the
277 Comprehensive School Health Education Program provided for in
278 Section 37-13-131(3);

279 (c) Implement activities to promote health and prevent
280 tobacco, alcohol and substance use and abuse;

281 (d) Identify health and safety concerns in the school
282 environment and promote a nurturing social environment;

283 (e) Administer medications and help students manage
284 their health problems;

285 (f) Support healthy food services programs;

286 (g) Promote healthy physical education, sports policies
287 and practices;

288 (h) Promote dropout prevention programs; and

289 (i) Participate in allied health programs to introduce
290 students to health careers.

291 (5) The Office of Healthy Schools of the State Department of
292 Education shall provide resources to all public school nurses so
293 that those schools with school nurses will be prepared to provide
294 health education in Mississippi schools and support the



295 Mississippi Comprehensive Health Framework, Mississippi Physical
296 Education Framework, Wellness Policy, coordinated approach to
297 school health, and other resources required by the State Board of
298 Education.

299 (6) In administering the Mary Kirkpatrick Haskell-Mary
300 Sprayberry Public School Nurse Program, the Office of Healthy
301 Schools of the State Department of Education shall perform the
302 following duties:

303 (a) Execute any contracts, agreements or other
304 documents with any governmental agency or any person, corporation,
305 association, partnership or other organization or entity that are
306 necessary to accomplish the purposes of this chapter;

307 (b) Receive grants or any other contributions made to
308 the State Board of Education to be used for specific purposes
309 related to the goals of this chapter;

310 (c) Submit an annual report to the Legislature
311 regarding the operation of the School Nurse Intervention Program;

312 (d) Submit to the State Auditor any financial records
313 that are necessary for the Auditor to perform an annual audit of
314 the commission as required by law;

315 (e) Submit policy recommendations to the State Board of
316 Education for the adoption of any rules or regulations that are
317 necessary to carry out the purposes of this chapter;

318 (f) Develop criteria to measure the effectiveness of a
319 school nurse;

320 (g) Communicate to superintendents and principals how
321 to maximize the effectiveness of a public school nurse;

322 (h) Develop recommended salary structure for school
323 districts to use when hiring a school nurse;

324 (i) Communicate to superintendents, principals and
325 other appropriate school officials regarding the statutes and
326 regulations prohibiting the use of tobacco by school personnel on



327 school property and at school events, and to monitor the
328 effectiveness of this ban;

329 (j) Report to the Senate and House Public Health and
330 Welfare and Education Committees' Chairmen annually on the number
331 of public school nurses, in which schools they are employed,
332 results of their work in relation to the measures in paragraph
333 (f);

334 (k) Implement policies to reduce unnecessary paperwork
335 by public school nurses; and

336 (l) Take any other actions that are necessary to carry
337 out the purposes of this chapter.

338 **SECTION 6.** This act shall take effect and be in force from
339 and after July 1, 2011.

