

By: Senator(s) Doty

To: Education

SENATE BILL NO. 2413

1 AN ACT TO AMEND SECTION 37-13-171, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE AND DIRECT LOCAL SCHOOL BOARDS TO IMPLEMENT "PERSONAL
3 RESPONSIBILITY" EDUCATION INTO THE MIDDLE AND HIGH SCHOOL
4 CURRICULUM BY JUNE 30, 2017, TO PRESCRIBE STANDARDS FOR THE
5 APPROVED PERSONAL RESPONSIBILITY CURRICULUM AND TO EXTEND THE
6 AUTOMATIC REPEALER; AND FOR RELATED PURPOSES.

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

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

10 37-13-171. (1) The local school board of every public
11 school district shall adopt a policy to implement * * *
12 ~~abstinence-only or abstinence-plus~~ "personal responsibility"
13 education into its middle and high school curriculum by June
14 30, * * * ~~2012~~ 2017, which instruction in those subjects shall be
15 implemented not later than the start of the * * * ~~2012-2013~~
16 2017-2018 school year or the local school board shall adopt the
17 program which has been developed by the Mississippi Department of
18 Human Services and the Mississippi Department of Health. Personal
19 responsibility education shall occur at least once in Grades 6
20 through 8 and at least once in Grades 9 through 12. Districts may



21 choose a different curriculum for middle and high school if
22 applicable. The State Department of Education shall * * *~~approve~~
23 ~~each district's curriculum for sex-related education and~~ publish a
24 list of approved curriculum that is age, grade and developmentally
25 appropriate. Curriculum selected must have been deemed evidence
26 based and medically accurate by the Mississippi State Department
27 of Health. The State Department of Education shall establish a
28 protocol to be used by districts to provide continuity in teaching
29 the approved curriculum in a manner that is age, grade and
30 developmentally appropriate.

31 (2) * * *~~Abstinence-only education shall remain the state~~
32 ~~standard for any sex-related education taught in the public~~
33 ~~schools. For purposes of this section, abstinence-only education~~
34 ~~includes any type of instruction or program which, at an~~
35 ~~appropriate age and grade:~~ Personal responsibility education
36 curriculum must include information that abstinence from sexual
37 activity is the only one hundred percent (100%) effective way to
38 prevent unintended pregnancy.

39 * * *~~————— (a) Teaches the social, psychological and health~~
40 ~~gains to be realized by abstaining from sexual activity, and the~~
41 ~~likely negative psychological and physical effects of not~~
42 ~~abstaining;~~

43 ~~————— (b) Teaches the harmful consequences to the child, the~~
44 ~~child's parents and society that bearing children out of wedlock~~
45 ~~is likely to produce, including the health, educational, financial~~



46 ~~and other difficulties the child and his or her parents are likely~~
47 ~~to face, as well as the inappropriateness of the social and~~
48 ~~economic burden placed on others;~~

49 ~~————— (c) Teaches that unwanted sexual advances are~~
50 ~~irresponsible and teaches how to reject sexual advances and how~~
51 ~~alcohol and drug use increases vulnerability to sexual advances;~~

52 ~~————— (d) Teaches that abstinence from sexual activity before~~
53 ~~marriage, and fidelity within marriage, is the only certain way to~~
54 ~~avoid out-of-wedlock pregnancy, sexually transmitted diseases and~~
55 ~~related health problems. The instruction or program may include a~~
56 ~~discussion on condoms or contraceptives, but only if that~~
57 ~~discussion includes a factual presentation of the risks and~~
58 ~~failure rates of those contraceptives. In no case shall the~~
59 ~~instruction or program include any demonstration of how condoms or~~
60 ~~other contraceptives are applied;~~

61 ~~————— (e) Teaches the current state law related to sexual~~
62 ~~conduct, including forcible rape, statutory rape, paternity~~
63 ~~establishment, child support and homosexual activity; and~~

64 ~~————— (f) Teaches that a mutually faithful, monogamous~~
65 ~~relationship in the context of marriage is the only appropriate~~
66 ~~setting for sexual intercourse.~~

67 ~~————— (3) A program or instruction on sex-related education need~~
68 ~~not include every component listed in subsection (2) of this~~
69 ~~section for abstinence-only education. However, no program or~~
70 ~~instruction under an abstinence-only curriculum may include~~



71 ~~anything that contradicts the excluded components. For purposes~~
72 ~~of this section, abstinence-plus education includes every~~
73 ~~component listed under subsection (2) of this section that is age~~
74 ~~and grade appropriate, in addition to any other programmatic or~~
75 ~~instructional component approved by the department, which shall~~
76 ~~not include instruction and demonstrations on the application and~~
77 ~~use of condoms. Abstinence-plus education may discuss other~~
78 ~~contraceptives, the nature, causes and effects of sexually~~
79 ~~transmitted diseases, or the prevention of sexually transmitted~~
80 ~~diseases, including HIV/AIDS, along with a factual presentation of~~
81 ~~the risks and failure rates.~~

82 ~~—— (4) Any course containing sex-related education offered in~~
83 ~~the public schools shall include instruction in either~~
84 ~~abstinence-only or abstinence-plus education.~~

85 ~~—— (5) Local school districts, in their discretion, may host~~
86 ~~programs designed to teach parents how to discuss abstinence with~~
87 ~~their children.~~

88 (* * *63) There shall be no effort in * * * ~~either an~~
89 ~~abstinence-only or an abstinence-plus~~ any curriculum to teach that
90 abortion can be used to prevent the birth of a baby.

91 (* * *74) At all times when sex-related education is
92 discussed or taught, boys and girls shall be separated according
93 to gender into different classrooms, sex-related education
94 instruction may not be conducted when boys and girls are in the
95 company of any students of the opposite gender.



96 (5) The term "evidence based" means a curriculum must be
97 proven to reduce behavioral risk factors associated with teenage
98 pregnancy among teens age nineteen (19) and younger and be
99 evaluated using an experimental or quasi-experimental design, with
100 results published in peer reviewed, scientific journals.

101 (6) The State Department of Education shall provide the list
102 of approved curriculum to the local school boards, publish the
103 list on its website, and ensure school districts implement a
104 curriculum from the list. The State Department of Education, in
105 collaboration with the State Department of Health, will review and
106 update the list of approved curriculum at least every five (5)
107 years.

108 (7) The State Department of Education shall submit an annual
109 report to the House and Senate Education Committees that includes
110 information for each school district regarding the curriculum
111 adopted, the grades that received the instruction, the number of
112 students who were taught personal responsibility education by
113 grade level, and the total number of students in each grade.
114 School districts shall provide the necessary information to the
115 Department of Education no later than July 1 of every year.

116 (8) Each school shall provide a written consent form to the
117 parent/guardian of every student eligible to participate in
118 personal responsibility education at school registration yearly.
119 The consent form shall:



120 (a) Inform the parent/guardian of the curriculum used
121 by the school for the grade in which their child will be entering;

122 (b) Inform the parent/guardian that copies of the
123 curriculum are available for their review;

124 (c) Ask the parent/guardian if they choose for their
125 child to participate;

126 (d) Require a signature from the parent/guardian.

127 (* * *~~89~~) This section shall stand repealed on July
128 1, * * *~~2016~~ 2021.

129 **SECTION 2.** This act shall take effect and be in force from
130 and after July 1, 2016.

