

By: Representatives Anderson, Sykes

To: Education

HOUSE BILL NO. 1347

1 AN ACT TO AMEND SECTION 37-13-171, MISSISSIPPI CODE OF 1972,
 2 TO REVISE CERTAIN PROVISIONS RELATING TO SEX EDUCATION INSTRUCTION
 3 IN PUBLIC SCHOOLS; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION
 4 AND THE MISSISSIPPI DEPARTMENT OF HEALTH TO COLLECTIVELY DEVELOP A
 5 LIST OF APPROVED CURRICULA EVERY FIVE YEARS WHICH IS
 6 EVIDENCE-BASED, MEDICALLY ACCURATE AND APPROPRIATE FOR MIDDLE AND
 7 HIGH SCHOOL STUDENTS BEGINNING JULY 1, 2019, WHICH MAY BE USED BY
 8 LOCAL SCHOOL DISTRICTS IN ADOPTING POLICIES ON ABSTINENCE-ONLY AND
 9 ABSTINENCE-PLUS EDUCATION; TO AMEND SECTION 37-13-173, MISSISSIPPI
 10 CODE OF 1972, TO PROVIDE PARENTS WITH OPT OUT AUTHORITY TO EXCLUDE
 11 THEIR CHILD FROM ANY INSTRUCTION OR PRESENTATION ON ANY
 12 SEX-RELATED EDUCATIONAL CONTENT; AND FOR RELATED PURPOSES.

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

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

16 37-13-171. (1) The local school board of every public
 17 school district shall adopt a policy to implement abstinence-only
 18 or abstinence-plus education into its curriculum by June 30, 2012,
 19 which instruction in those subjects shall be implemented not later
 20 than the start of the 2012-2013 school year or the local school
 21 board shall adopt the program which has been developed by the
 22 Mississippi Department of Human Services and the Mississippi
 23 Department of Health. Beginning July 1, 2019, the State



24 Department of Education and the Mississippi Department of Health,
25 shall collectively develop a list of approved curricula which is
26 evidence-based, medically accurate, age, grade and developmentally
27 appropriate for middle and high school students. The State
28 Department of Education and the Mississippi Department of Health
29 shall review the curricula every five (5) years to determine
30 whether the curricula are evidence-based and medically accurate,
31 age, grade and developmentally appropriate as to the time of its
32 offering for instruction or presentation in public schools. The
33 Mississippi Department of Health shall renew the implementation of
34 sex education in the public schools of this state every four (4)
35 years. The State Department of Education shall approve each
36 district's curriculum for sex-related education and shall
37 establish a protocol to be used by districts to provide continuity
38 in teaching the approved curriculum in a manner that is
39 evidence-based, medically accurate, age, grade and developmentally
40 appropriate.

41 (2) Abstinence-only education shall remain the state
42 standard for any sex-related education taught in the public
43 schools. For purposes of this section, abstinence-only education
44 includes any type of instruction or program which, at an
45 appropriate age and grade:

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



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

55 (c) Teaches that unwanted sexual advances are
56 irresponsible and teaches how to reject sexual advances and how
57 alcohol and drug use increases vulnerability to sexual advances;

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

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

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



73 (3) A program or instruction on sex-related education need
74 not include every component listed in subsection (2) of this
75 section for abstinence-only education. However, no program or
76 instruction under an abstinence-only curriculum may include
77 anything that contradicts the excluded components. For purposes
78 of this section, abstinence-plus education includes every
79 component listed under subsection (2) of this section that is age
80 and grade appropriate, in addition to any other programmatic or
81 instructional component approved by the department, which shall
82 not include instruction and demonstrations on the application and
83 use of condoms. Abstinence-plus education may discuss other
84 contraceptives, the nature, causes and effects of sexually
85 transmitted diseases, or the prevention of sexually transmitted
86 diseases, including HIV/AIDS, along with a factual presentation of
87 the risks and failure rates.

88 (4) (a) Any course containing sex-related education offered
89 in the public schools shall include instruction in either
90 abstinence-only or abstinence-plus education. The chosen
91 sex-related education curriculum adopted and implemented by the
92 local school board shall be offered to students enrolled in its
93 public schools twice:

94 (i) Once during elementary or middle school, at
95 such time as the board determines the students are capable of
96 comprehending evidence-based, medically accurate, age, grade and
97 developmentally appropriate course content; and



98 (ii) Once during high school.

99 (b) Licensed instructor and school nurses who provide
100 instruction of sex education content shall be required to
101 participate in a content specific professional development or
102 continuing education course every two (2) years, so long as they
103 remain employed with the school district in an instructional
104 capacity.

105 (5) Local school districts, in their discretion, may host
106 programs designed to teach parents how to discuss abstinence with
107 their children.

108 (6) There shall be no effort in either an abstinence-only or
109 an abstinence-plus curriculum to teach that abortion can be used
110 to prevent the birth of a baby.

111 (7) At all times when sex-related education is discussed or
112 taught, boys and girls shall be separated according to gender into
113 different classrooms, sex-related education instruction may not be
114 conducted when boys and girls are in the company of any students
115 of the opposite gender.

116 (8) This section shall stand repealed on July 1, * * * 2024.

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

119 37-13-173. Each school providing instruction or any other
120 presentation on human sexuality in the classroom, assembly or
121 other official setting shall be required to provide no less than
122 one (1) week's written notice thereof to the parents of children



123 in such programs of instruction. The written notice must inform
124 the parents of their right to request the * * * exclusion of their
125 child for such instruction or presentation. The notice also must
126 inform the parents of the right, and the appropriate process, to
127 review the curriculum and all materials to be used in the lesson
128 or presentation. Upon the request of any parent for exclusion,
129 the school shall excuse the parent's child from such instruction
130 or presentation, without detriment to the student.

131 **SECTION 3.** This act shall take effect and be in force from
132 and after July 1, 2019.

