

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

HOUSE BILL NO. 837
(As Passed the House)

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, OR TO REQUIRE THE LOCAL SCHOOL BOARD TO ADOPT THE PROGRAM
6 DEVELOPED BY THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES AND THE
7 DEPARTMENT OF HEALTH; TO REQUIRE THE STATE DEPARTMENT TO APPROVE
8 EACH DISTRICT'S CURRICULUM FOR SEX-RELATED EDUCATION AND ESTABLISH
9 A PROTOCOL TO BE USED BY DISTRICTS TO PROVIDE CONTINUITY IN
10 TEACHING THE APPROVED CURRICULUM; TO PROVIDE THAT INSTRUCTION IN
11 SCHOOL DISTRICTS IMPLEMENTING ABSTINENCE-PLUS EDUCATION INTO THE
12 CURRICULUM MAY BE EXPANDED BEYOND THE INSTRUCTION FOR
13 ABSTINENCE-ONLY EDUCATION WITHIN PARAMETERS APPROVED BY THE
14 DEPARTMENT; TO DEFINE ABSTINENCE-PLUS EDUCATION; TO REMOVE THE
15 AUTHORITY GIVEN TO LOCAL SCHOOL BOARDS TO VOTE IN FAVOR OF
16 TEACHING SEX EDUCATION WITHOUT ANY INSTRUCTION ON ABSTINENCE; TO
17 PROHIBIT ANY TEACHING THAT ABORTION CAN BE USED TO PREVENT THE
18 BIRTH OF A BABY; TO REQUIRE BOYS AND GIRLS TO BE SEPARATED INTO
19 DIFFERENT CLASSES BY GENDER AT ALL TIMES WHEN SEX-RELATED
20 EDUCATION IS DISCUSSED OR TAUGHT; TO REQUIRE THE DEPARTMENT OF
21 HUMAN SERVICES AND THE DEPARTMENT OF HEALTH TO DEVELOP CERTAIN
22 PROGRAMS AND STRATEGIES PROMOTING PREGNANCY PREVENTION AND
23 PROVIDING INFORMATION ON THE CONSEQUENCES OF UNPROTECTED,
24 UNINFORMED AND UNDERAGE SEXUAL ACTIVITY; TO PROVIDE FOR THE REPEAL
25 OF THIS SECTION ON JULY 1, 2015; TO AMEND SECTION 37-13-173,
26 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO STUDENT SHALL BE
27 REQUIRED TO TAKE OR PARTICIPATE IN ANY CLASS OR COURSE IN
28 SEX-RELATED EDUCATION UNLESS THE STUDENT'S PARENT OR GUARDIAN
29 SUBMITS A WRITTEN REQUEST TO THAT PARTICIPATION; TO REQUIRE THE
30 STATE BOARD OF EDUCATION TO MAINTAIN CERTAIN STANDARDS IN THE
31 SOCIAL STUDIES CURRICULUM USED IN THE PUBLIC SCHOOLS AND TO
32 PROHIBIT HISTORY COURSES FROM BEING REVISED FOR PARTISAN OR
33 PHILOSOPHICAL PURPOSES; TO AMEND SECTION 2, CHAPTER 507, LAWS OF
34 2009, TO REVISE THE DUTIES OF THE TEEN PREGNANCY TASK FORCE AND TO
35 EXTEND THE DATE OF THE REPEAL ON THE TASK FORCE TO JULY 1, 2015;
36 TO REQUIRE THE STATE DEPARTMENT OF HEALTH AND THE STATE DEPARTMENT
37 OF EDUCATION, SUBJECT TO THE AVAILABILITY OF FUNDS, TO ESTABLISH A
38 PILOT PROGRAM IN EACH HEALTH CARE DISTRICT, TO BE LOCATED IN A
39 SCHOOL DISTRICT IN A COUNTY HAVING THE HIGHEST NUMBER OF TEEN
40 PREGNANCIES; TO REQUIRE THOSE AGENCIES TO PROVIDE CERTAIN
41 EDUCATIONAL SERVICES THROUGH QUALIFIED PERSONNEL; AND FOR RELATED
42 PURPOSES.

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



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

46 37-13-171. (1) The local school board of every public
47 school district shall adopt a policy to implement abstinence-only
48 or abstinence-plus education into its curriculum by June 30, 2011,
49 which instruction in those subjects shall be implemented not later
50 than the start of the 2011-2012 school year or the local school
51 board shall adopt the program which has been developed by the
52 Mississippi Department of Human Services and the Mississippi
53 Department of Health. The State Department of Education shall
54 approve each district's curriculum for sex-related education and
55 shall establish a protocol to be used by districts to provide
56 continuity in teaching the approved curriculum in a manner that is
57 age, grade and developmentally appropriate.

58 (2) Abstinence-only education shall remain the state
59 standard for any sex-related education taught in the public
60 schools. However, in any school district in which the local
61 school board chooses the option to implement abstinence-plus
62 education into its curriculum for sex-related education, that
63 instruction may be expanded beyond the instruction given for
64 abstinence-only education within the parameters approved by the
65 department. For purposes of this section, abstinence-only
66 education includes any type of instruction or program which, at an
67 appropriate age and grade:

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

71 (b) Teaches the harmful consequences to the child, the
72 child's parents and society that bearing children out of wedlock
73 is likely to produce, including the health, educational, financial
74 and other difficulties the child and his or her parents are likely
75 to face, as well as the inappropriateness of the social and
76 economic burden placed on others;



77 (c) Teaches that unwanted sexual advances are
78 irresponsible and teaches how to reject sexual advances and how
79 alcohol and drug use increases vulnerability to sexual advances;

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

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

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

94 (3) A program or instruction on sex-related education need
95 not include every component listed in subsection (2) of this
96 section for abstinence-only education. However, no program or
97 instruction under an abstinence-only curriculum may include
98 anything that contradicts the excluded components. In any school
99 district approving an abstinence-plus curriculum, the scope of
100 instruction may be expanded. For purposes of this section,
101 abstinence-plus education includes every component listed under
102 subsection (2) of this section that is age and grade appropriate,
103 in addition to any other programmatic or instructional component
104 approved by the department, which shall not be limited to
105 instruction and demonstrations on the application and use of
106 condoms or other contraceptives, the nature, causes and effects of
107 sexually transmitted diseases, or the prevention of sexually
108 transmitted diseases, including HIV/AIDS.



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

112 (5) Local school districts, in their discretion, may host
113 programs designed to teach parents how to discuss abstinence with
114 their children.

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

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

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

124 **SECTION 2.** (1) The Mississippi Department of Human Services
125 shall develop programs to accomplish the purpose of one or more of
126 the following strategies:

127 (a) Promoting effective communication among families
128 about preventing teen pregnancy, particularly communication among
129 parents or guardians and their children;

130 (b) Educating community members about the consequences
131 of unprotected, uninformed and under age sexual activity and teen
132 pregnancy;

133 (c) Encouraging young people to postpone sexual
134 activity and prepare for a healthy, successful adulthood,
135 including teaching them skills to avoid making or receiving
136 unwanted verbal, physical, and sexual advances;

137 (d) Providing medically accurate information about the
138 health benefits and side effects of all contraceptives and barrier
139 methods as a means to prevent pregnancy and reduce the risk of
140 contracting sexually transmitted infections, including HIV/AIDS;
141 or



142 (e) Providing educational information, including
143 medically accurate information about the health benefits and side
144 effects of all contraceptives and barrier methods, for young
145 people in those communities who are already sexually active or are
146 at risk of becoming sexually active and inform young people in
147 those communities about the responsibilities and consequences of
148 being a parent, and how early pregnancy and parenthood can
149 interfere with educational and other goals.

150 (2) The State Department of Health shall develop programs
151 with the following strategies:

152 (a) To carry out activities, including counseling, to
153 prevent unintended pregnancy and sexually transmitted infections,
154 including HIV/AIDS, among teens;

155 (b) To provide necessary social and cultural support
156 services regarding teen pregnancy;

157 (c) To provide health and educational services related
158 to the prevention of unintended pregnancy and sexually transmitted
159 infections, including HIV/AIDS, among teens;

160 (d) To promote better health and educational outcomes
161 among pregnant teens; and

162 (e) To provide training for individuals who plan to
163 work in school-based support programs regarding the prevention of
164 unintended pregnancy and sexually transmitted infections,
165 including HIV/AIDS, among teens.

166 (3) It shall be the responsibility of school nurses employed
167 by local school districts implementing the program developed by
168 the State Department of Health under subsection (2) of this
169 section to carry out the functions of those strategies to promote
170 consistency in the administration of the program.

171 **SECTION 3.** Section 37-13-173, Mississippi Code of 1972, is
172 amended as follows:

173 37-13-173. (1) Each school providing instruction or any
174 other presentation on human sexuality in the classroom, assembly



175 or other official setting shall be required to provide no less
176 than one (1) week's written notice thereof to the parents of
177 children in such programs of instruction. The written notice must
178 inform the parents of their right to request the exclusion of
179 their child from such instruction or presentation. The notice
180 also must inform the parents of the right, and the appropriate
181 process, to review the curriculum and all materials to be used in
182 the lesson or presentation. Upon the request of any parent, the
183 school shall excuse the parent's child from such instruction or
184 presentation, without detriment to the student.

185 (2) A student may not be required to take or participate in
186 any class or course in sex-related education unless the student's
187 parent or guardian submits a written request that the student be
188 allowed to participate in a manner consistent with notice required
189 of schools under subsection (1) of this section. Objection and
190 refusal to take or participate in the course or program shall be
191 without detriment to the student. Nothing in this section
192 prohibits instruction in sanitation, hygiene or traditional
193 courses in biology.

194 **SECTION 4.** The State Board of Education shall maintain a
195 social studies curriculum to be taught in the public schools which
196 is designed to reinforce the basic knowledge, skills and
197 understandings pertinent to social studies. The goals of the
198 curriculum must be to deliver citizenship education, through the
199 different subject area strands of civics, history, geography and
200 economics, in order to foster the development of lifelong,
201 responsible, accountable, global citizens in a democratic
202 society. Any revision to the 2004 Mississippi Social Studies
203 Framework and Guide must be accomplished by an education team in a
204 manner similar to that employed by the State Board of Education
205 for that revision. The State Board of Education shall require all
206 courses in history to maintain a focus on historically significant
207 events, periods and persons and to present a complete view of



208 history. Public school history courses may not promote any
209 partisan agenda or philosophy and may not be revised for the
210 purpose of significantly changing generally accepted history to
211 create bias toward an ideological position.

212 **SECTION 5.** Section 2, Chapter 507, Laws of 2009, is amended
213 as follows:

214 Section 2. (1) There is created the Teen Pregnancy
215 Monitoring Task Force to study and make recommendation to the
216 Legislature on the implementation of sex-related educational
217 courses through abstinence-only or abstinence-plus education into
218 the curriculum of local school districts and the coordination of
219 services by certain state agencies to reduce teen pregnancy and
220 provide prenatal and postnatal training to expectant teen parents
221 in Mississippi. The task force shall make an annual report of its
222 findings and recommendations to the Legislature beginning with the
223 2011 Regular Session.

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

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

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

230 (c) The Chairman of the House Select Committee on
231 Poverty;

232 (d) One (1) member of the Senate appointed by the
233 Lieutenant Governor;

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

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

237 (g) The State Superintendent of Public Education, or
238 his or her designee;

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



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

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

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

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

250 (m) One (1) representative of the private health or
251 social services sector appointed by the Speaker of the House of
252 Representatives.

253 (3) Appointments shall be made within thirty (30) days after
254 the effective date of this act, and, within fifteen (15) days
255 thereafter on a day to be designated jointly by the Speaker of the
256 House and the Lieutenant Governor, the task force shall meet and
257 organize by selecting from its membership a chairman and a vice
258 chairman. The vice chairman shall also serve as secretary and
259 shall be responsible for keeping all records of the task force. A
260 majority of the members of the task force shall constitute a
261 quorum. In the selection of its officers and the adoption of
262 rules, resolutions and reports, an affirmative vote of a majority
263 of the task force shall be required. All members shall be
264 notified in writing of all meetings, the notices to be mailed at
265 least fifteen (15) days before the date on which a meeting is to
266 be held. If a vacancy occurs on the task force, the vacancy shall
267 be filled in the manner that the original appointment was made.

268 (4) Members of the task force who are not legislators, state
269 officials or state employees shall be compensated at the per diem
270 rate authorized by Section 25-3-69 and shall be reimbursed in
271 accordance with Section 25-3-41 for mileage and actual expenses
272 incurred in the performance of their duties. Legislative members
273 of the task force shall be paid from the contingent expense funds



274 of their respective houses in the same manner as provided for
275 committee meetings when the Legislature is not in session.
276 However, no per diem or expense for attending meetings of the task
277 force may be paid to legislative members of the task force while
278 the Legislature is in session. No task force member may incur per
279 diem, travel or other expenses unless previously authorized by
280 vote, at a meeting of the task force, which action shall be
281 recorded in the official minutes of the meeting. Nonlegislative
282 members shall be paid from any funds made available to the task
283 force for that purpose.

284 (5) The task force shall use clerical and legal staff
285 already employed by the Legislature and any other staff assistance
286 made available to it by the Department of Health, the Mississippi
287 Department of Human Services, the Department of Mental Health, the
288 State Department of Education and the Division of Medicaid. To
289 effectuate the purposes of this section, any department, division,
290 board, bureau, commission or agency of the state or of any
291 political subdivision thereof shall, at the request of the
292 chairman of the task force, provide to the task force such
293 facilities, assistance and data as will enable the task force
294 properly to carry out its duties.

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

298 (a) Form task force subgroups based on specific areas
299 of expertise;

300 (b) Review and consider coordinated services and plans
301 and related studies done by or through existing state agencies and
302 advisory, policy or research organizations to reduce teen
303 pregnancy and provide the necessary prenatal and postnatal
304 training to expectant teen parents;

305 (c) Review and consider statewide and regional planning
306 initiatives related to teen pregnancy;



307 (d) Consider efforts of stakeholder groups to comply
308 with federal requirements for coordinated planning and service
309 delivery; * * *

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

313 (f) Evaluate the effect of the adoption of a required
314 sex education policy on teen pregnancy rates and dropout rates due
315 to teen pregnancy on the local school district and statewide
316 levels;

317 (g) Compare and analyze data in districts adopting and
318 implementing abstinence-only education to districts adopting
319 abstinence-plus education;

320 (h) Require the Department of Health, the Mississippi
321 Department of Human Services, the Department of Mental Health, the
322 State Department of Education and the Division of Medicaid to
323 conduct a study of community programs available throughout the
324 state, and the areas wherein they are located, which provide
325 programs of instruction on sexual behavior and assistance to teen
326 parents; and

327 (i) Work through the Department of Health, the
328 Mississippi Department of Human Services, the Department of Mental
329 Health, the State Department of Education and the Division of
330 Medicaid to cause any studies, assessments and analyses to be
331 conducted as may be deemed necessary by the task force.

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

333 **SECTION 6.** (1) Beginning with the 2011-2012 school year,
334 to the extent that federal or state funds are available and
335 appropriated by the Legislature for the purposes of establishing
336 and implementing the Prevention of Teen Pregnancy Pilot Program
337 authorized by Section 41-79-5, the State Department of Health in
338 conjunction with the State Department of Education shall establish
339 a pilot program in each of the nine (9) Health Districts as



340 defined by the State Department of Health, to be located in a
341 school district in a county in that district having the highest
342 number of teen pregnancies.

343 (2) The State Department of Health and the State Department
344 of Education shall jointly provide education services through
345 qualified personnel to increase awareness of the health, social
346 and economic risks associated with teen pregnancy. The services
347 and curriculum provided shall have a primary emphasis on reducing
348 the teenage pregnancy rate in those pilot districts.

349 **SECTION 7.** This act shall take effect and be in force from
350 and after July 1, 2010.

