

By: Representative Scott

To: Education

HOUSE BILL NO. 235

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  
50 activity 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-only



125 or abstinence-plus education and its components under Section  
126 37-13-171.

127 **SECTION 2.** Section 37-13-135, Mississippi Code of 1972, is  
128 amended as follows:

129 37-13-135. (1) In addition to all other authority, duties  
130 and powers the school boards of the school districts of this state  
131 may now have, each \* \* \* school board shall adopt plans for the  
132 implementation of the Comprehensive School Health Education  
133 Program into the local school curriculum, which shall include  
134 instruction in comprehensive sex education.

135 (2) School boards shall appoint a local health education  
136 council to make recommendations regarding a comprehensive health  
137 education curriculum.

138 (3) There shall be cooperation between the State Department  
139 of Education, Office of Comprehensive School Health Education and  
140 the school boards of the several school districts in implementing  
141 this program as it best suits the needs of the individual  
142 districts.

143 (4) The Commission on School Accreditation shall encourage  
144 the development of plans of comprehensive school health education  
145 and the implementation thereof.

146 **SECTION 3.** Section 37-14-3, Mississippi Code of 1972, is  
147 amended as follows:

148 37-14-3. (1) The State Department of Education is  
149 designated as the state agency responsible for the administration



150 and supervision of the school nurse program as an education and  
151 wellness curriculum in the public schools of the State of  
152 Mississippi. The public school nurse program administered by the  
153 State Department of Education shall be known and may be cited as  
154 the "Mary Kirkpatrick Haskell-Mary Sprayberry Public School Nurse  
155 Program." It is the intent of the Legislature that all funds made  
156 available to the State Department of Education for the purpose of  
157 employing school nurses shall be administered by the State  
158 Department of Education.

159 (2) The State Department of Education, through the Office of  
160 Healthy Schools, shall develop standards, procedures and criteria  
161 for the public school nurse programs in Kindergarten through Grade  
162 12. The Office of Healthy Schools of the State Department of  
163 Education shall assume the responsibility for promoting a  
164 statewide school nurse program designed to prepare local school  
165 districts to incorporate the school program into their local  
166 educational programs.

167 (3) From and after July 1, 2007, the School Nurse  
168 Intervention Program administered and funded by the State  
169 Department of Health shall be transferred to the Office of Healthy  
170 Schools of the State Department of Education. Any administrative  
171 personnel employed by the State Department of Health for the  
172 administration of school nurses under the School Nurse  
173 Intervention Program may be considered for employment by the  
174 Office of Healthy Schools of the State Department of Education for



175 the purpose of coordinating the employment of school nurses in the  
176 school districts. Any administrative personnel formerly employed  
177 by the Partnership for a Healthy Mississippi, Inc., for the  
178 administration of school nurses in the public schools may be  
179 considered for employment by the Office of Healthy Schools of the  
180 State Department of Education for the purpose of coordinating the  
181 employment of school nurses in the school districts. All records  
182 and unexpended balances of accounts in the School Nurse  
183 Intervention Program relating to the employment of school nurses  
184 shall be transferred to the Office of Healthy Schools in the State  
185 Department of Education in accordance with the transfer of  
186 responsibility under this chapter.

187 (4) The nurses in the Mary Kirkpatrick Haskell-Mary  
188 Sprayberry Public School Nurse Program shall have the following  
189 specific responsibilities:

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

192 (b) Provide health education to students, including  
193 providing instruction in each of the components of the  
194 Comprehensive School Health Education Program provided for in  
195 Section 37-13-131(3);

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

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





- 200 (e) Administer medications and help students manage
- 201 their health problems;
- 202 (f) Support healthy food services programs;
- 203 (g) Promote healthy physical education, sports policies
- 204 and practices;
- 205 (h) Promote dropout prevention programs; and
- 206 (i) Participate in allied health programs to introduce
- 207 students to health careers.

208 (5) The Office of Healthy Schools of the State Department of  
209 Education shall provide resources to all public school nurses so  
210 that those schools with school nurses will be prepared to provide  
211 health education in Mississippi schools and support the  
212 Mississippi Comprehensive Health Framework, Mississippi Physical  
213 Education Framework, Wellness Policy, coordinated approach to  
214 school health, and other resources required by the State Board of  
215 Education.

216 (6) In administering the Mary Kirkpatrick Haskell-Mary  
217 Sprayberry Public School Nurse Program, the Office of Healthy  
218 Schools of the State Department of Education shall perform the  
219 following duties:

- 220 (a) Execute any contracts, agreements or other
- 221 documents with any governmental agency or any person, corporation,
- 222 association, partnership or other organization or entity that are
- 223 necessary to accomplish the purposes of this chapter;



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

227 (c) Submit to the State Auditor any financial records  
228 that are necessary for the Auditor to perform an annual audit of  
229 the commission as required by law;

230 (d) \* \* \* Submit policy recommendations to the State  
231 Board of Education for the adoption of any rules or regulations  
232 that are necessary to carry out the purposes of this chapter;

233 (e) Develop criteria to measure the effectiveness of a  
234 school nurse;

235 (f) Communicate to superintendents and principals how  
236 to maximize the effectiveness of a public school nurse;

237 (g) Develop recommended salary structure for school  
238 districts to use when hiring a school nurse;

239 (h) Communicate to superintendents, principals and  
240 other appropriate school officials regarding the statutes and  
241 regulations prohibiting the use of tobacco by school personnel on  
242 school property and at school events, and to monitor the  
243 effectiveness of this ban;

244 (i) Implement policies to reduce unnecessary paperwork  
245 by public school nurses; and

246 (j) Take any other actions that are necessary to carry  
247 out the purposes of this chapter.



248           **SECTION 4.** Section 37-13-131, Mississippi Code of 1972, is  
249 amended as follows:

250           37-13-131. (1) The State Department of Education is  
251 designated as the state agency responsible for the administration  
252 and supervision of the Comprehensive School Health Education  
253 Program as an educational curriculum in the State of Mississippi.  
254 It is the intent of the Legislature that all funds made available  
255 to the State Department of Education for the purpose of  
256 comprehensive school health education shall be administered by the  
257 State Department of Education.

258           (2) \* \* \* In accordance with the provisions of subsection  
259 (1) of this section, the State Department of Education is  
260 authorized to establish an Office of Comprehensive School Health  
261 Education within the framework of the State Department of  
262 Education for the purpose of developing standards, procedures and  
263 criteria for the administration and supervision of a statewide  
264 program of health education in Kindergarten through Grade 12. The  
265 State Department of Education, through the Office of Comprehensive  
266 School Health Education, shall assume the further responsibility  
267 for promoting a statewide effort designed to prepare local school  
268 faculties and staffs to incorporate the comprehensive health  
269 education concept into their local educational programs.

270           (3) The Mississippi Department of Health, in conjunction  
271 with the Office of Student Development-Branch of Health-Related  
272 Services of the State Department of Education, shall develop a



273 long-range strategic plan for a Comprehensive School Health  
274 Education Program in Grades K through 12. The Comprehensive  
275 School Health Education Program shall encompass \* \* \* five (5)  
276 interdependent components:

- 277 (a) Health education;
- 278 (b) Health service;
- 279 (c) Physical education and fitness; \* \* \*
- 280 (d) A healthful school environment \* \* \* ; and
- 281 (e) Sex education as provided under Section 1 of this  
282 act.

283 These curriculum components shall be designed to develop  
284 decision-making competencies related to health and health  
285 behavior. \* \* \* These curriculum components are intended to  
286 motivate health maintenance and promote wellness, not only to  
287 prevent disease or disability. \* \* \*

288 **SECTION 5.** Section 37-13-171, Mississippi Code of 1972, is  
289 amended as follows:

290 37-13-171. (1) The local school board of every public  
291 school district shall adopt a policy to implement abstinence-only  
292 or abstinence-plus education or sexual risk avoidance education  
293 into its curriculum, which instruction in those subjects shall be  
294 implemented not later than the start of the 2023-2024 school year  
295 or the local school board shall adopt the program which has been  
296 developed by the Mississippi Department of Human Services and the  
297 Mississippi Department of Health. The State Department of



298 Education shall approve each district's curriculum for sex-related  
299 education and shall establish a protocol to be used by districts  
300 to provide continuity in teaching the approved curriculum in a  
301 manner that is age, grade and developmentally appropriate.

302 (2) Notwithstanding any other provision to the contrary,  
303 abstinence-only education shall remain the state standard for any  
304 sex-related education taught in the public schools. For purposes  
305 of this section, abstinence-only education includes any type of  
306 instruction or program which, at an appropriate age and grade:

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

310 (b) Teaches the harmful consequences to the child, the  
311 child's parents and society that bearing children out of marriage  
312 is likely to produce, including the health, educational, financial  
313 and other difficulties the child and his or her parents are likely  
314 to face, as well as the inappropriateness of the social and  
315 economic burden placed on others;

316 (c) Teaches that unwanted sexual advances are  
317 irresponsible and teaches how to reject sexual advances and how  
318 alcohol and drug use increases vulnerability to sexual advances;

319 (d) Teaches that abstinence from sexual activity before  
320 marriage, and fidelity within marriage, is the only certain way to  
321 avoid out-of- marriage pregnancy, sexually transmitted diseases  
322 and related health problems. The instruction or program may



323 include a discussion on condoms or contraceptives, but only if  
324 that discussion includes a factual presentation of the risks and  
325 failure rates of those contraceptives. In no case shall the  
326 instruction or program include any demonstration of how condoms or  
327 other contraceptives are applied;

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

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

334 (3) A program or instruction on sex-related education need  
335 not include every component listed in subsection (2) of this  
336 section for abstinence-only education. However, no program or  
337 instruction under an abstinence-only curriculum may include  
338 anything that contradicts the excluded components. For purposes  
339 of this section, abstinence-plus education includes every  
340 component listed under subsection (2) of this section that is age  
341 and grade appropriate, in addition to any other programmatic or  
342 instructional component approved by the department, which shall  
343 not include instruction and demonstrations on the application and  
344 use of condoms. Abstinence-plus education may discuss other  
345 contraceptives, the nature, causes and effects of sexually  
346 transmitted diseases, or the prevention of sexually transmitted



347 diseases, including HIV/AIDS, along with a factual presentation of  
348 the risks and failure rates.

349 (4) Any course containing sex-related education offered in  
350 the public schools shall include instruction in either  
351 abstinence-only or abstinence-plus education. However, the local  
352 school board may authorize, by an affirmative vote of a majority  
353 of its members, the teaching of sex education without instruction  
354 on abstinence. In that event, the curriculum offered in the  
355 school relating to sex education must be approved by a majority of  
356 the school board members.

357 (5) Local school districts, in their discretion, may host  
358 programs designed to teach parents how to discuss abstinence with  
359 their children.

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

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

368 **SECTION 6.** This act shall take effect and be in force from  
369 and after July 1, 2024.

