

By: Representative Scott

To: Education

## HOUSE BILL NO. 350

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



be without detriment to the student for suspension or expulsion. Each class or course in comprehensive sex education offered in any of Grades K through 12 shall include instruction on the prevention of sexually transmitted infections, including the prevention, transmission and spread of HIV. Nothing in this section prohibits instruction in sanitation, hygiene or traditional courses in biology.

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

(xi) Course material and instruction shall teach students to refrain from making unwanted physical and verbal sexual advances and how to reject unwanted sexual advances and shall include information about verbal, physical, and visual sexual harassment, including, without limitation, nonconsensual sexual advances, nonconsensual physical sexual contact, and rape by an acquaintance. The course material and instruction shall contain methods of preventing sexual assault by an acquaintance,



including exercising good judgment and avoiding behavior that impairs one's judgment. The course material and instruction shall emphasize personal accountability and respect for others and shall also encourage youth to resist negative peer pressure. The course material and instruction shall inform students of the potential legal consequences of sexual assault by an acquaintance;

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

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

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

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

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

(3) Nothing in this section shall be construed to conflict with or repeal the provisions of laws relating to abstinence-only



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

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

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

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

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

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

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

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



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

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

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



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

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

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

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

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

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





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

(f) Support healthy food services programs;

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

(h) Promote dropout prevention programs; and

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

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

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

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



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

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

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

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

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

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

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

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

(j) Take any other actions that are necessary to carry 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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

**SECTION 6.** This act shall take effect and be in force from and after July 1, 2025.

