



### Sex Education Laws in the States

By Kyle Zinth  
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#### Overview

Laws concerning sex education vary significantly in their scope and type among the states. Thirty-eight states, Puerto Rico and the U.S. Virgin Islands currently have laws pertaining to sex education. The vast majority of these states include provisions addressing AIDS, sexually transmitted diseases (STDs) and abstinence in the curriculum.

The majority of states allow parents the opportunity to exempt – or "opt-out" of – of instruction, while **Nevada** and **Colorado** require parental consent before a student may take part in any instruction. **North Carolina** permits local authorities to determine whether a parent must provide consent or opt out, and **Arkansas** requires parental consent before students may receive school-based health clinic services.

Six states – **Alabama, Illinois, Louisiana, Missouri, Ohio** and **Oregon** – include provisions that students be informed of their financial responsibility for any child they conceive. **Mississippi's** standards require that students be taught about financial difficulties the child and his or her parents are likely to face, and **Michigan's** curriculum requires that students be advised of laws pertaining to their responsibility as parents.

Three states have provisions informing students about laws concerning legal and safe methods of surrendering infants: **California, Illinois** and **Michigan**.

Eight states have provisions meant to inform students about adoption: **Illinois, Michigan, Missouri, South Carolina, Vermont, Wisconsin** and **Virginia**.

The policies listed below originate in statutes. States might not address sex education in their laws but nevertheless have statewide policies enacted through administrative code or through their respective departments of education. Links to statutory language have been provided when available; however, recent amendments may not be reflected. Additions and corrections are welcome.

#### 50-State Summary Table

	STD/AIDS Education Provision	Abstinence Education Provision	Opt-out / Parental Consent Provision	No Law
Alabama	X	X		
Alaska				X
Arizona	X	X	Opt-out	
Arkansas	X	X	Consent <sup>1</sup>	
California	X	X	Opt-out	
Colorado	X	X	Consent	
Connecticut	X		Opt-out	

<sup>1</sup> Parental consent is required before students receive school-based health clinic services.

	STD/AIDS Education Provision	Abstinence Education Provision	Opt-out / Parental Consent Provision	No Law
Delaware				X
District of Columbia				X
Florida	X	X		
Georgia	X	X	Opt-out	
Hawaii				X
Idaho			Opt-out	
Illinois	X	X	Opt-out	
Indiana	X	X		
Iowa	X		Opt-out	
Kansas				X
Kentucky				X
Louisiana	X	X	Opt-out	
Maine	X	X	Opt-out	
Maryland				X
Massachusetts			Opt-out	
Michigan	X	X	Opt-out	
Minnesota	X	X		
Mississippi	X	X	Opt-out	
Missouri	X	X	Opt-out	
Montana				X
Nebraska				X
Nevada	X		Consent	
New Hampshire	X			
New Jersey	X	X	Opt-out	
New Mexico				X
New York				X
North Carolina	X	X	Local Determination	
North Dakota				X
Ohio	X	X	Opt-out	
Oklahoma	X	X	Opt-out	
Oregon	X	X	Opt-out	
Pennsylvania	X	X	Opt-out	
Rhode Island	X	X	Opt-out	
South Carolina	X	X	Opt-out	
South Dakota		X		
Tennessee	X	X	Opt-out	
Texas	X	X	Opt-out	
Utah	X	X	Consent <sup>2</sup>	
Vermont	X	X	Opt-out	
Virginia	X	X		
Washington	X	X	Opt-out	
West Virginia	X		Opt-out	
Wisconsin	X		Opt-out	
Wyoming				X

<sup>2</sup> No state funds may be used to provide contraceptive or abortion services to an unmarried minor without the prior written consent of the minor's parent or guardian.

## Territories

	STD/AIDS Education Provision	Abstinence Education Provision	Opt-out / Parental Consent Provision	No Law
American Samoa				X
Guam				X
Puerto Rico				
U.S. Virgin Islands	X			

## State Profiles

### Alabama

#### [ALA. CODE § 16-40A-2](#)

Any program or curriculum in Alabama's public schools that includes sex education or the human reproductive process must – at a minimum – include and emphasize that:

- Abstinence from sexual intercourse is the only completely effective protection against unwanted pregnancy, sexually transmitted diseases and acquired immune deficiency syndrome (AIDS) when transmitted sexually
- Abstinence from sexual intercourse outside of lawful marriage is the expected social standard for unmarried school-age persons.

Course materials and instruction that relate to sexual education or sexually transmitted diseases should be age-appropriate and must include all of the following elements:

- An emphasis on sexual abstinence as the only completely reliable method of avoiding unwanted teenage pregnancy and sexually transmitted diseases
- An emphasis on the importance of self-control and ethical conduct pertaining to sexual behavior
- Statistics based on the latest medical information that indicate the degree of reliability and unreliability of various forms of contraception, while also emphasizing the increase in protection against pregnancy and protection against sexually transmitted diseases, including HIV and AIDS infection, which is afforded by the use of various contraceptive measures
- Information concerning the laws relating to the financial responsibilities associated with pregnancy, childbirth and child rearing
- Information concerning the laws prohibiting sexual abuse, the need to report such abuse and the legal options available to victims of sexual abuse
- Information on how to cope with and rebuff unwanted physical and verbal sexual exploitation by other persons
- Psychologically sound methods of resisting unwanted peer pressure
- An emphasis, in a factual manner and from a public health perspective, that homosexuality is not a lifestyle acceptable to the general public and that homosexual conduct is a criminal offense under the laws of the state
- Comprehensive instruction in parenting skills and responsibilities, including the responsibility to pay child support by non-custodial parents, the penalties for non-payment of child support, and the legal and ethical responsibilities of child care and child rearing.

### Arizona

#### [ARIZ. REV. STAT. § 15-716](#)

Authorizes each common, high and unified school district to provide instruction to kindergarten programs through the 12th grade on human immunodeficiency virus (HIV) and AIDS. Districts are free to develop their own course of study for each grade.

At a minimum, instruction must:

- Be appropriate to the grade level in which it is offered
- Be medically accurate
- Promote abstinence
- Discourage drug abuse

- Dispel myths regarding HIV transmission.

No district may include in its course of study instruction which:

- Promotes a homosexual lifestyle
- Portrays homosexuality as a positive alternative lifestyle
- Suggests that some methods of sex are safe methods of homosexual sex.

Districts may request that the department of health services or the department of education review instruction materials to determine their medical accuracy. At the request of a school district, the department of education must provide the following assistance:

- A suggested course of study
- Teacher training
- A list of available films and other teaching aids.

At the request of a parent, a student may be excused from instruction on HIV and AIDS. Districts must notify all parents of their ability to withdraw their child from the instruction.

### **Related Policies**

#### [ARIZ. REV. STAT. § 15-342](#)

Authorizes the governing board of a school district to sell advertising space on the exterior of school buses. Advertisements must be age-appropriate and not contain promotion of any substance that is illegal for minors such as alcohol, tobacco, and drugs or gambling. Advertisements must comply with the state sex-education policy of abstinence.

#### [ARIZ. REV. STAT. § 15-711](#)

All school districts with existing sex education curricula must include instruction on the laws relating to sexual conduct with a minor for students in 7th through 12th grades. Districts are authorized to develop their own course of study to meet the requirements of this policy.

## **Arkansas**

#### [ARK. CODE ANN. § 6-18-703](#)

Authorizes local school boards to establish school-based health clinics. Parental consent is required before students receive school-based health clinic services. Parental consent to contraceptive services and condom distribution must be specific, in writing and maintained in the student's health records. Schools that offer sex education in school-based health clinics must include instruction in abstinence, and no funds may be utilized for abortion referral.

State funds may not be used to purchase or dispense contraceptives or abortifacients. Local school boards retain the sole authority over whether and to what extent family planning education is provided in clinics, including any purchase or distribution of contraceptives. Notice of family planning clinic intentions by a school district must be given 30 days in advance of a public meeting of the school board.

The school board of any district that associates itself with distributing, recommending or prescribing condoms or contraceptives must adopt a resolution acknowledging there are risks associated with teen sexual activities. Every public school and public health department sex-education and AIDS-prevention program must emphasize premarital abstinence as the only sure means of avoiding pregnancy and the sexual contraction of AIDS and other sexually transmitted diseases.

School-based clinics must maintain accurate records of the distribution and prescription of contraceptives and condoms. The number of pregnancies and STDs among students in the schools with school-based clinics must be reported annually to the school board of directors. Records maintained under this section are part of the confidential medical record of the student.

## **California**

#### [CAL. EDUC. CODE § 51930 through CAL. EDUC. CODE § 51939](#)

#### **Authorized Comprehensive Sexual Health Education**

School districts may provide comprehensive sexual health education, consisting of age-appropriate instruction, in kindergarten through 12th grade using instructors trained in the appropriate courses. School

districts that elect to offer comprehensive sexual health education, whether taught by school district personnel or outside consultants, must satisfy the following criteria:

- Instruction and materials must be age-appropriate
- All factual information presented must be medically accurate and objective
- Instruction must be made available on an equal basis to students who are English language learners, consistent with the state's education code
- Instruction and materials must be appropriate for use with students of all races, genders, sexual orientations, ethnic and cultural backgrounds and students with disabilities
- Instruction and materials must be accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials and instruction in alternative formats, and auxiliary aids
- Instruction and materials must encourage a student to communicate with his or her parents or guardians about human sexuality
- Instruction and materials must teach respect for marriage and committed relationships.

Commencing in the 7th grade, instructions and materials must:

- Teach that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy or STDs and provide information about the value of abstinence while also providing medically accurate information on other methods of preventing pregnancy and STDs
- Provide information about STDs that includes how they are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods of reducing the risk of contracting STDs, and information on local resources for testing and medical care for STDs
- Provide information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception
- Provide students with skills for making and implementing responsible decisions about sexuality
- Provide students with information on the law on surrendering physical custody of a minor child 72 hours or younger, pursuant to [CAL. HEALTH & SAFETY CODE § 1255.7](#) and [CAL. PENAL CODE 271.5](#).

Instruction and materials may not teach or promote religious doctrine or reflect or promote bias against any person on the basis of any category protected by [CAL. EDUC. CODE § 220](#).

### **Required HIV/AIDS Prevention Education**

Districts must ensure that all students in 7th through 12th grades receive HIV/AIDS prevention education from instructors trained in the appropriate courses. Students are required to receive this instruction at least once in junior high or middle school and high school. HIV/AIDS prevention education must comply with certain aspects of [CAL. EDUC. CODE § 51933](#), and accurately reflect the latest information and recommendations from the U.S. Surgeon General, the federal Centers for Disease Control and Prevention, and the National Academy of Sciences.

Additionally, instruction must include:

- Information on the nature of HIV/AIDS and its effects on the human body
- Information on the manner in which HIV is and is not transmitted, including information on activities that present the highest risk of HIV infection
- Discussion of methods to reduce the risk of HIV infection
- An emphasis that sexual abstinence, monogamy, the avoidance of multiple sexual partners and abstinence from intravenous drug use are the most effective means for HIV/AIDS prevention, but must also include statistics based upon the latest medical information citing the success and failure rates of condoms and other contraceptives in preventing sexually transmitted HIV infection, as well as information on other methods that may reduce the risk of HIV transmission from intravenous drug use
- Discussion of the public health issues associated with HIV/AIDS
- Information on local resources for HIV testing and medical care
- Development of refusal skills to assist students in overcoming peer pressure and using effective decisionmaking skills to avoid high-risk activities
- Discussion about societal views on HIV/AIDS, including stereotypes and myths regarding people with HIV/AIDS; this instruction must emphasize compassion for people living with HIV/AIDS

## **In-Service Training**

School districts must cooperatively plan and conduct in-service training for all school district personnel that provide HIV/AIDS prevention education, through regional planning, joint powers agreements or contract services.

School districts may contract with outside consultants with expertise in comprehensive sexual health education or HIV/AIDS prevention education – or both – including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver the instruction or provide training for school district personnel.

## **Notice and Parental Excuse**

A parent or guardian has the right to excuse their child from all or part of sexual-health education, HIV/AIDS-prevention education and assessments related to that education. School districts are required to notify parents or guardians about planned instruction for the coming year.

The notice must:

- Advise the parent or guardian that written and audiovisual educational materials are available for inspection
- Advise the parent or guardian whether the sexual-health education or HIV/AIDS-prevention education will be taught by school district personnel or by outside consultants
- Include information explaining the parent or guardian's right to request a copy of this policy
- Advise the parent or guardian that the parent or guardian may request in writing that his or her child not receive comprehensive sexual health education or HIV/AIDS prevention education.

## **Colorado**

### **Colorado Comprehensive Health Education Act**

[COLO. REV. STAT. § 22-25-101 through COLO. REV. STAT. § 22-25-110](#)

#### COLO. REV. STAT. § 22-25-103

The comprehensive health education program is a planned, sequential health program of learning experiences in preschool through 12th grades that includes education about communicable diseases such as AIDS and HIV. (Other topics are included under this policy, including dental health, human growth and development, and family life education.)

#### COLO. REV. STAT. § 22-25-104

Participation in the comprehensive health education program is voluntary for districts. Implementation is to be a cooperative effort among the department of education, the Colorado commission on higher education, the department of public health, environment and other health education professionals, and participating school districts and boards of cooperative services.

Any curriculum and materials developed and used in teaching sexuality and human reproduction must include values and responsibility and will give primary emphasis to abstinence by school-aged children. School officials must receive prior written approval from a parent or guardian before a child may participate in any program discussing or teaching sexuality and human reproduction. Parents must receive, with the written permission slip, an overview of the topics and materials to be presented in the curriculum.

#### COLO. REV. STAT. § 22-25-106

Districts are encouraged to establish local comprehensive education programs. Programs must include a procedure to exempt students upon the request of their parent or guardian on the grounds that it is contrary to their religious beliefs. Additionally, the district must provide written parental notification that includes information on the parent or guardian's right to exempt their student from this instruction. Curriculum and materials are to be made available to the public and a forum to receive public comment on the curriculum must be held.

#### COLO. REV. STAT. § 22-25-110

This policy does not prohibit districts from operating a program that does not meet the requirements of this policy, with the exception that any program must comply with the public information requirements and student exemption procedures described in COLO. REV. STAT. § 22-25-106.

[COLO. REV. STAT. § 25-4-1405](#)

Directs the state department of public health and environment to develop and implement programs under which state and local health departments may develop and update a medically correct AIDS prevention curriculum for use at the discretion of secondary and middle schools.

Urges school districts to provide every secondary school student – with parental consent – education on HIV infection and AIDS and its prevention.

## **Connecticut**

[CONN. GEN. STAT. § 10-16c](#)

Directs the state board to develop curriculum guides to aid local and regional boards of education in developing family life education programs within the public schools. The curriculum guides must include information on developing a curriculum that includes family planning; human sexuality; parenting; nutrition; and the emotional, physical, psychological, hygienic, economic and social aspects of family life. The curriculum guides may not include information pertaining to abortion as an alternative to family planning.

[CONN. GEN. STAT. § 10-16d](#)

Local or regional boards of education are not required to develop or institute family life education programs.

[CONN. GEN. STAT. § 10-16e](#)

Students may not be required by any local or regional board of education to participate in a family life program. A written notification to the local or regional board by the student's parent or legal guardian is sufficient to exempt the student from such program in its entirety or from any portion specified by the parent or legal guardian.

[CONN. GEN. STAT. § 10-16f](#)

Family life programs must be in addition to and not a substitute for any health, education, hygiene or similar curriculum requirements in effect on October 1, 1979.

[CONN. GEN. STAT. § 10-19](#)

Local and regional boards of education are required to offer planned, ongoing and systematic instruction on AIDS taught by legally qualified teachers. Local and regional boards must adopt policies concerning the exemption of students from instruction upon written request of a parent or guardian. The state board is required to make materials available to assist local and regional boards of education in developing instruction under this policy.

## **Florida**

[FLA. STAT. ANN. § 1003.42](#)

Part of the state's required instruction includes a comprehensive health education program that addresses family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy.

[FLA. STAT. ANN. § 1003.43](#)

One of the requirements for high school graduation is that students earn one-half credit in life management skills, which includes marriage and relationship skill-based education, prevention of HIV and AIDS and other STDs, benefits of sexual abstinence and consequences of teenage pregnancy.

[FLA. STAT. ANN. § 1003.46](#)

Authorizes district boards to provide instruction in AIDS education as a specific area of health education. Instruction may include – but is not limited to – the known modes of transmission, signs and symptoms, risk factors associated with AIDS, and means used to control its spread. Instruction must be appropriate

for the grade and age of the student and reflect current theory, knowledge and practice regarding AIDS and its prevention.

Throughout instruction in AIDS, STDs or health education, when such instruction and course material contains instruction in human sexuality, schools must:

- Teach abstinence from sexual activity outside of marriage as the expected standard for all school-age students while teaching the benefits of monogamous heterosexual marriage
- Emphasize that abstinence from sexual activity is a certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, including AIDS, and other associated health problems
- Teach that each student has the power to control personal behavior and encourage students to base actions on reasoning, self-esteem and respect for others
- Provide instruction and material that is appropriate for the grade and age of the student.

#### [FLA. STAT. ANN. § 1003.54](#)

District school boards are required to maintain a teenage parent program for pregnant students or students who are parents and the children of these students. The curriculum must include instruction in prenatal and postnatal health care, parenting skills, benefits of sexual abstinence and consequences of subsequent pregnancies.

### **Georgia**

#### [GA. CODE ANN. § 20-2-143](#)

Directs the state board to prescribe a minimum course of study in sex education and AIDS prevention instruction which may be included as a part of a course of study in comprehensive health education for grades and grade levels determined by the board. The course may include instruction concerning human biology, conception, pregnancy, birth, STDs and AIDS. The course must include instruction concerning the legal consequences of parenthood, including the legal obligation of both parents to support a child and legal penalties or restrictions upon failure to support a child, including the possible suspension or revocation of a driver's, occupational or professional license. A manual setting out the details of such course of study must be prepared by or approved by the state superintendent in cooperation with the department of human resources, the state board and any expert advisers they choose.

Directs local boards of education to prescribe a course of study in sex education and AIDS-prevention instruction at grades and grade levels determined by the state board. The course of study must implement either the minimum course of study provided for by the state board or its equivalent, as approved by the board. Local boards are authorized to supplement and develop the exact approach of content areas of such minimum course of study with specific curriculum standards they deem appropriate. Standards must include instruction relating to the handling of peer pressure, the promotion of high self-esteem, local community values, the legal consequences of parenthood and abstinence from sexual activity as an effective method of prevention of pregnancy, STDs and AIDS.

A parent or legal guardian has the right to elect – in writing – that their child be exempted from this course of study.

### **Idaho**

#### [IDAHO CODE § 33-1608](#) through [IDAHO CODE § 33-1611](#)

The decision as to whether or not any program in family life and sex education is to be introduced in the schools is determined at the district level.

If such program is adopted, the state legislature believes that:

- Major emphasis in such a program should be to assist the home in giving students the knowledge and appreciation of the important place the family home holds in the social system of our culture, its place in the family and the responsibility which will be there much later when they establish their own families
- The program should supplement the work in the home and the church in giving youth the scientific, physiological information for understanding sex and its relation to the miracle of life, including knowledge of the power of the sex drive and the necessity of controlling that drive by self-discipline

- The program should focus on helping youth acquire a background of ideals and standards and attitudes that will be of value to him now and later when he chooses a mate and establishes his own family.

School districts are required to involve parents and school district community groups in the planning, development, evaluation and revision of any instruction in sex education. Any parent or legal guardian who wishes to have his child excused from any planned instruction in sex education may do so upon filing a written request to the school district board of trustees. Excused students are to be provided with an alternative educational program.

## **Illinois**

### [ILL. REV. STAT. 105 5/2-3.62](#)

Authorizes educational service centers to provide training, technical assistance, coordination and planning in a number of areas, including family-life/sex education.

Directs the governing authority of each regional educational service center to appoint a family-life/sex education advisory board consisting of two parents, two teachers, two school administrators, two school board members, two health-care professionals, one library system representative, and the director of the regional educational service center who will serve as chairperson of the advisory board. Advisory boards are responsible for developing a plan for regional teacher-parent family-life/sex education training sessions and are required to file a written report of such plan with the governing board of their regional educational service center.

### [ILL. REV. STAT. 105 5/27-9.1](#)

All classes or courses in comprehensive sex education offered in any of 6th through 12th grades must include instruction on the prevention, transmission and spread of AIDS. Classes that teach sex education and discuss sexual intercourse are required to emphasize that abstinence is the expected norm and that abstinence from sexual intercourse is the only protection that is 100% effective against unwanted teenage pregnancy, STDs and AIDS when transmitted sexually. Students may not be required to take or participate if their parent or guardian submits written objection to their participation. Refusal to take or participate may not be reason for suspension or expulsion of the student.

Parents or guardians must be afforded an opportunity to examine the instructional materials to be used in sex education classes that discuss sexual intercourse; and instruction and materials must satisfy the following criteria:

- Be age appropriate
- Teach honor and respect for monogamous heterosexual marriage
- Stress that students should abstain from sexual intercourse until they are ready for marriage
- Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual intercourse outside of marriage and the consequences of unwanted adolescent pregnancy
- Stress that STDs are serious possible hazards of sexual intercourse; students must be provided with statistics based on the latest medical information citing the failure and success rates of condoms in preventing AIDS and other STDs
- Advise students of the laws pertaining to their financial responsibility to children born in and out of wedlock
- Advise students of the circumstances under which it is unlawful for males to have sexual relations with females under the age of 18 to whom they are not married
- Teach students to not make unwanted physical and verbal sexual advances and how to say no to unwanted sexual advances; students are to be taught that it is wrong to take advantage of or to exploit another person; materials and instruction must also encourage youth to resist negative peer pressure.

### [ILL. REV. STAT. 105 5/27-9.2](#)

Pertains to family-life education. Any school district that provides family-life instruction must include the teaching of the alternatives to abortion, appropriate to the various grade levels. Whenever such courses of instruction are provided in any of grades 6th through 12th, the courses must also include instruction on the prevention, transmission and spread of AIDS.

Students may not be required to take or participate in any family-life class or course on AIDS instruction if their parent or guardian submits written objection. Refusal to take or participate in such course or program may not be reason for suspension or expulsion.

### **Sex Education Act**

[ILL. REV. STAT. 105 130/1 through ILL. REV. STAT. 105 130/5](#)

Establishes a Division of Sex Education under the State Board of Education and defines membership.

The division has the following powers and duties:

- To aid in the establishment of educational programs designed to provide students in elementary and secondary schools wholesome and comprehensive education regarding the emotional, psychological, physiological, hygienic and social-responsibility aspects of family life and sexual relations, and the dangers of illicit sexual relations
- To establish a library of motion pictures, literature and other education materials to be made available to any elementary or secondary school establishing such an educational program and allowed to receive such materials under rules and regulations of the division
- To aid in the establishment of educational programs within the universities and colleges of the state for the instruction of teachers in training, and at the various district, regional or county institutes conducted under the provisions of the state's school code, designed to enable teachers to effectively conduct classes in such a program.

Directs the board to examine the motion pictures, literature and educational programs and recommend criteria in regard to scope and emphasis of such motion pictures, literature and educational programs. The board must also make recommendations in regard to policies for distribution of the sex education materials, including the policies relating to the grade-levels to which such films are to be shown, the age at which such films are first to be received, the frequency of exhibition and the general method of presentation.

### **Comprehensive Health Education Program**

[ILL. REV. STAT. 105 110/3](#)

Illinois' comprehensive health education program must advise students of the provisions of the [Abandoned Newborn Infant Protection Act](#) (ILL. REV. STAT. CH. 325/2) as well as provide information about responsible parenting and the availability of confidential adoption services.

### **Indiana**

[IND. CODE ANN. § 20-30-5-12](#)

Each school corporation is required to include instruction concerning AIDS and integrate this effort to the extent possible with instruction on other dangerous communicable diseases. School corporations are required to consider the recommendations of the AIDS advisory council [described below] concerning community standards on the:

- Content of the instruction
- Manner in which the information is presented
- Grades in which the information is taught.

Literature distributed to school children and young adults under this section must include information required by IND. CODE ANN. 20-34-3-17 [described below]. The department of education, in consultation with the department of health, is directed to develop AIDS educational materials to be made available to school corporations.

[IND. CODE ANN. § 20-30-5-13](#)

Throughout instruction on human sexuality or sexually transmitted diseases, an accredited school must:

- Require a teacher to teach abstinence from sexual activity outside of marriage as the expected standard for all school-age children
- Include in the instruction that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, STDs and other associated health problems
- Include in the instruction that the best way to avoid STDs and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage.

[IND. CODE ANN. § 20-34-1-1 through IND. CODE ANN. § 20-34-1-14](#)

Directs the governing body of each school corporation to establish an AIDS advisory council. One member of the council must be a representative of the local board of health or state department of health and be trained in the area of dangerous communicable diseases, including AIDS. The remainder of the council is composed of (two of each) teachers, students, parents, school administrators, health care professionals and citizens residing in the school's community. School corporations that have: (1) established an advisory committee composed of parents, students, teachers, administrators and representatives of the state department of health; and (2) met and identified educational materials and resources reflecting community standards on AIDS before February 15, 1988 are exempt from this requirement.

At the first meeting of each year, a representative of the local board of health or state department of health – or an individual approved by the department – will instruct the members of the council on the source, transmission and prevention of AIDS. At the second meeting of each year, the council is required to hold a public meeting and solicit testimony from members of the community concerning community attitudes and values on matters that affect the instruction on AIDS that is presented within the school corporation.

Councils are directed to:

- Identify and study educational materials and resources on AIDS that are available for use in the schools within the school corporation
- Determine which educational materials and resources are based on sound medical principles and reflect the attitude of the community
- Recommend to the school corporation educational materials and resources on AIDS that reflect the standards of the community.

School corporation governing bodies are responsible for furnishing the council with necessary staff and will consider the council's recommendations.

[IND. CODE ANN. 20-34-3-17](#)

Directs the state board to provide information stressing the moral aspects of abstinence from sexual activity in any literature that it distributes to students and young adults concerning available methods for the prevention of AIDS. The literature must state that the best way to avoid AIDS is for young people to refrain from sexual activity until they are ready as adults to establish, in the context of marriage, a mutually faithful monogamous relationship. The state board may not distribute AIDS literature to students without the consent of the governing body of the school corporation the students attend.

## **Iowa**

[IOWA CODE § 256.11](#)

Pertains to the state's educational standards:

- Students in grades 1st through 6th are required to receive instruction in health and human growth and development; the health curriculum must include the characteristics of communicable diseases, including AIDS
- Students in 7th and 8th grades must receive instruction in health, and the curriculum must include the characteristics of STDs and AIDS
- The minimum program to be offered and taught for 9th through 12th grades includes one unit of health education that includes family life, human growth and development, health resources and prevention and control of disease, including STDs and AIDS.

[IOWA CODE § 279.50](#)

School boards must provide instruction in kindergarten that gives attention to experiences relating to life skills and human growth and development. Instruction in human growth and development including instruction regarding human sexuality, self-esteem, stress management, interpersonal relationships, domestic abuse and AIDS must be offered in 1st through 12th grades. Boards are required to annually provide to parents or guardians: (1) information about the human growth and development curriculum used in the student's grade level; (2) the procedure for inspecting the instructional materials prior to their use in the classroom; and (3) how to excuse their child from instruction. Students may be exempted if their parent or guardian files a written request with the principal.

School boards or community colleges that offer general adult education classes or courses must periodically offer an instructional program in parenting skills and in human growth and development for parents, guardians, prospective biological and adoptive parents and foster parents.

Area education agencies are required to periodically offer staff development programs for teachers who provide instruction in human growth and development.

## **Louisiana**

[LA. REV. CODE ANN. § 17:281](#)

Authorizes public elementary and secondary schools to offer instruction in sex education as long as the instruction and subject matter is integrated into an existing course of study such as: biology, science, physical hygiene or physical education. Sex education is defined as the dissemination of factual biological or pathological information that is related to the human reproduction system and may include the study of STDs, pregnancy, childbirth, puberty, menstruation and menopause, as well as the dissemination of factual information about parental responsibilities under the child support laws of the state.

### **Local Powers**

Local boards may determine whether or not to implement sex education instruction and at what grade levels instruction will occur, although instruction may not occur for students in kindergarten through 6th grade. (Exceptions to this rule include the Orleans Parish district, which may offer instruction beginning in 3rd grade.

All books, films and other materials to be used in instruction must be submitted to and approved by the local board and by a parental review committee, whose membership will be determined by the board.

Students may be excused from receiving instruction at the option and discretion of their parents or guardians through procedures determined by the local board.

### **Limitations**

The major emphasis of any sex education instruction offered in the public schools must be to encourage abstinence between unmarried persons, and any instruction must:

- Emphasize abstinence from sexual activity outside of marriage as the expected standard for all school-age children
- Emphasize that abstinence from sexual activity is a way to avoid unwanted pregnancy, STDs – including AIDS – and other associated health problems
- Emphasize each student has the power to control personal behavior and to encourage students to base action on reasoning, self-esteem and respect for others.

No contraceptive or abortifacient drug device or other similar product may be distributed at any public school. No sex education course offered in the public schools may utilize any sexually explicit materials depicting male or female homosexual activity.

No program may in any way counsel or advocate abortion.

A city or parish school system may accept federal funds for programs offering sex education only when the use of such funds does not violate the provisions of this policy and only upon approval by the local board. Acceptance and use of federal funds for sex education does not permit the use of any federally supplied materials that violate state law regulating sex education.

## **Maine**

[ME. REV. STAT. ANN. TIT. 22, § 406.1902](#)

"Comprehensive family life education" means education in kindergarten through 12th grade regarding human development and sexuality, including education on family planning and STDs, that is medically accurate and age appropriate. Programs must: (1) respect community values and encourage parental communication; (2) develop skills in communication, decisionmaking and conflict resolution; (3) contribute to healthy relationships; (4) promote responsible sexual behavior with an emphasis on abstinence; (5) address the use of contraception; (6) promote individual responsibility and involvement regarding sexuality; and (7) teach skills for responsible decision making regarding sexuality.

[ME. REV. STAT. ANN. TIT. 22, § 406.1910](#)

Directs the commissioner to undertake initiatives to implement effective, comprehensive family life education services. In providing these services, the commissioner must contract with local family planning programs to provide:

- Training for teachers, parents and community members in the development and implementation of comprehensive family life education curriculum and in planning for an evaluation component as part of comprehensive school health education
- Resource staff to provide expert training, curriculum development and implementation and evaluation services on a statewide basis
- Funding to promote and coordinate community and youth forums in communities identified as having high needs for comprehensive family life education
- Funding for issue management and policy development training for school boards, superintendents, principals and administrators across the state
- Funding for grants to school-based comprehensive family life education programs to recognize outstanding performance and share strategies for success.

[ME. REV. STAT. ANN. TIT. 22, § 406.1911](#)

A parent may opt their child out of any comprehensive family life education program.

## **Massachusetts**

[MASS. GEN. LAWS. ANN. CH. 71, § 1](#)

Schools are required to give instruction and training in health education.

[MASS. GEN. LAWS. ANN. CH. 71, § 38O](#)

Requires school committees in each city, town or regional school district to meet at least once every other month with an advisory committee, which will advise the school committee concerning all materials pertaining to sex education. The committee will consist of 11 members, one of whom must be a physician and seven of whom must be parents of children attending a school of such city, town or regional school district.

[MASS. GEN. LAWS. ANN. CH. 71, § 32A](#)

Every city, town, regional school district or vocational school district implementing or maintaining curriculum which primarily involves human sexual education or human sexuality issues must adopt a policy ensuring parental/guardian notification. Policies must afford parents or guardians the flexibility to exempt their children from any portion of the curriculum through written notification to the school principal. Exempted students may not be penalized for their exemption. Policies must be in writing and distributed to each principal in the district and kept on file at the department of education.

To the extent practicable, program instruction materials for said curricula must be made reasonably accessible to parents, guardians, educators, school administrators and others for inspection and review.

## **Michigan**

[MICH. STAT. ANN. § 380.1169](#)

Requires that the best methods for the restriction and prevention of dangerous communicable diseases – including HIV and AIDS – be taught in every public school. Instruction must stress that abstinence is a responsible and effective method for restriction and prevention of these diseases and is a positive lifestyle for unmarried young people. A school board must hold at least two public hearings on the proposed revisions prior to adopting any revisions to the curriculum.

[MICH. STAT. ANN. § 380.1507 through MICH. STAT. ANN. § 380.1507b](#)

Authorizes school district boards to engage qualified instructors and provide facilities and equipment for instruction in sex education, including: family planning; human sexuality; and the emotional, physical, psychological, hygienic, economic and social aspects of family life. Instruction may also include the subjects of reproductive health and the recognition, prevention and treatment of STDs. Instruction must stress that abstinence from sex is a responsible and effective method of preventing unplanned or out-of-wedlock pregnancy; is the only protection that is 100% effective against unplanned pregnancy, STDs, and sexually transmitted HIV and AIDS; and is a positive lifestyle for unmarried young people.

Students may not be enrolled in a class unless their parent or guardian: (1) is notified in advance of the course and the content of the course, (2) is given a prior opportunity to review the materials to be used in the course, and (3) is notified in advance of his or her right to have the student excused from the class. Students must be excused from instruction upon their or their parent or guardian's written request. Excused students may not be penalized or lose academic credit. Instruction may only be provided by qualified health teachers.

### **Sex Education Advisory Board**

School districts offering sex-education instruction must establish a sex education advisory board. School boards determine terms of service, the number of members to serve and a membership selection process that reasonably reflects the district population. At least one-half of advisory board must be parents of children attending a school operated by the district, and a majority of the parent members must be individuals not employed by the district. Students, educators, local clergy and community health professionals are also to be included on the sex education advisory board.

Advisory boards are required to:

- Establish program goals and objectives for student knowledge and skills that are likely to reduce the rates of sex, pregnancy, and sexually transmitted diseases
- Review the materials and methods of instruction used and make recommendations to the board of the school district for implementation; the advisory board is required to take into consideration the school district's needs, demographics and trends, including teenage pregnancy rates, STD rates and incidents of student sexual violence and harassment
- At least once every two years evaluate, measure and report the attainment of program goals and objectives; resulting reports are to be made available to parents in the school district.

### **Curriculum Requirements**

Material and instruction in sex education curriculum that discusses sex must be age-appropriate, be medically accurate and do at least all of the following:

- Discuss the benefits of abstaining from sex until marriage and the benefits of ceasing sex if a student is sexually active
- Include a discussion of the possible emotional, economic and legal consequences of sex
- Stress that unplanned pregnancy and STDs are serious possibilities of sex that are not fully preventable except by abstinence
- Advise students of the laws pertaining to their responsibility as parents to children born in and out of wedlock
- Ensure that students are not taught in a way that condones the violation of the laws of the state pertaining to sexual activity
- Teach students how to say "no" to sexual advances and that it is wrong to take advantage of, harass or exploit another person sexually
- Teach refusal skills and encourage students to resist pressure to engage in risky behavior
- Teach that the student has the power to control personal behavior; students must be taught to base their actions on reasoning, self-discipline, a sense of responsibility, self-control and ethical considerations such as respect for self and others
- Provide instruction on healthy dating relationships and on how to set limits and recognize a dangerous environment
- Provide information for students about how young parents can learn more about adoption services and about the provisions of the safe delivery of newborns law, [MICH. STAT. ANN. § 380.1507 through MICH. STAT. ANN. § 712.1 through MICH. STAT. ANN. § 712.20](#)
- Include information clearly informing students that having sex or sexual contact with an individual under the age of 16 is a crime punishable by imprisonment and that one of the other results of being convicted of this crime is to be listed on the sex offender registry on the Internet for up to 25 years.

### **Family Planning**

Family planning drugs or devices may not be dispensed or distributed in public school or on public school property. Family planning includes the use of a range of methods of fertility regulation to help individuals or couples avoid unplanned pregnancies; bring about wanted births; regulate the intervals between pregnancies; and plan the time at which births occur in relation to the age of parents. It may include the

study of fetology, marital and genetic information. Clinical abortion may not be considered a method of family planning, nor may abortion be taught as a method of reproductive health.

This policy does not prohibit a public school from offering sex education with behavioral risk reduction strategies that are not 100% effective against unplanned pregnancy, STDs, and sexually transmitted HIV and AIDS.

### **Forfeiture of State Aid**

#### [MICH. STAT. ANN. § 380.1766](#)

Provides that a district will forfeit 5% of its total state aid appropriation if a school official, member of a board or other person dispenses or otherwise distributes a family planning drug or device in a public school or makes referrals for abortions in violation the state's laws.

#### [MICH. STAT. ANN. § 380.1766a](#)

Provides guidelines for districts to avoid forfeiture of funds, the complaint process a parent or guardian may follow if they believe the district their child attends is in violation of state law regarding sex education, and actions the department of education must take if a district is found in violation.

## **Minnesota**

#### [MINN. STAT. ANN. § 121A.23](#)

Directs the commissioner of education – in consultation with the commissioner of health – to assist districts in developing and implementing a program to prevent and reduce the risk of sexually transmitted infections and diseases, including but not exclusive to HIV and human papilloma virus.

Each district must have a program that includes at least:

- Planning materials, guidelines, and other technically accurate and updated information
- A comprehensive, technically accurate and updated curriculum that includes helping students to abstain from sexual activity until marriage
- Cooperation and coordination among districts and service cooperatives
- A targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted infections and diseases, for prevention efforts
- Involvement of parents and other community members
- In-service training for appropriate district staff and school board members
- Collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program
- Collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program
- Participation by state and local student organizations.

If a district fails to develop and implement a program, the department must assist the service cooperative in the region serving that district in developing or implementing the program.

Districts may accept funds for sexually transmitted infection and disease prevention programs from public and private sources including public health funds and foundations, department professional development funds, federal block grants, or other federal or state grants.

## **Mississippi**

#### [MISS. CODE ANN. § 37-13-171](#)

Abstinence education is the state standard for any sex-related education taught in the public schools.

Abstinence education includes any type of instruction or program which, at an appropriate age:

- 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
- Teaches the harmful consequences to the child, the child's parents and society that bearing children out of wedlock 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

- 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
- Teaches that abstinence from sexual activity before marriage, and fidelity within marriage, is the only certain way to avoid out-of-wedlock pregnancy, STDs and related health problems; instruction may include a discussion on contraceptives, but only if such discussion includes a factual presentation of the risks (failure rates, diseases not protected against) of those contraceptives; in no case may the instruction or program include any demonstration of how condoms or other contraceptives are applied
- Teaches the current state law related to sexual conduct, including forcible rape, statutory rape, paternity establishment, child support and homosexual activity
- Teaches that a mutually faithful, monogamous relationship in the context of marriage is the only appropriate setting for sexual intercourse.

A program or instruction on sex education does not need to include all of the above components; however, instruction may not include anything that contradicts the excluded components. Districts may host programs designed to teach parents how to discuss abstinence with their children and through a majority vote of the board decide to offer sex education without instruction in abstinence.

[MISS. CODE ANN. § 37-13-173](#)

Schools providing instruction or any other presentation on human sexuality in the classroom, assembly or other official setting are required to provide at least one week's written notice to the parents of children in such programs of instruction. The notice must inform the parents of their right to request the exclusion of their child from instruction or presentation. The notice also must inform the parents of the right, and the appropriate process, to review the curriculum and all materials to be used in the lesson or presentation. Upon the request of any parent, the schools are required to excuse the parent's child, without detriment to the student.

**Missouri**

[MO. REV. STAT. § 170.015](#)

In addition to being medically and factually correct, any course materials and instruction relating to human sexuality and STDs must:

- Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried students because it is the only method that is one 100% effective in preventing pregnancy, STDs and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of STDs and unplanned pregnancy
- Stress that STDs are serious, possible health hazards of sexual activity; students must be provided with the latest medical information regarding exposure to HIV, AIDS, human papilloma virus, hepatitis and other STDs
- Present students with 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 STDs
- Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as well as the advantages of adoption, including the adoption of special needs children and the processes involved in making an adoption plan
- Teach skills of conflict management, personal responsibility and positive self-esteem through discussion and role-playing at appropriate grade levels to emphasize that the pupil has the power to control personal behavior, students must be: (1) encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations such as respect for one's self and others; (2) taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person; and (3) taught to resist unwanted sexual advances and other negative peer pressure
- Advise students of the laws pertaining to their financial responsibility to children born in and out of wedlock and advise students of the state's laws regarding statutory rape.

District boards determine the specific content of the instruction and policies concerning referrals and parental notification regarding contraception. Boards are also required to ensure all instruction in human

sexuality is appropriate to the age of the students. Students may be separated by gender for instructional purposes.

School districts are required to notify the parent or legal guardian of each student enrolled in the district of: (1) the basic content of the district's human sexuality instruction to be provided to the student; and (2) the parent's right to remove the student from any part of the district's human sexuality instruction. Districts must make all curriculum materials available for public inspection prior to the use in actual instruction.

## ***Nevada***

### [NEV. REV. STAT. § 389.065](#)

Directs the board of trustees of each school district to establish a course or unit of a course of: (1) factual instruction concerning AIDS; and (2) instruction on the human reproductive system, related communicable diseases and sexual responsibility. Each board of trustees is required to appoint an advisory committee that will advise the district concerning the content of and materials to be used in a course, and the recommended ages of the students to whom the course is offered, final decisions on these matters are made by the board of trustees. Courses may be taught only by a teacher or school nurse whose qualifications have been previously approved by the board of trustees.

Parents or guardians must first be furnished written notice that the course will be offered, and students may only participate in instruction if the form is returned signed. If the written consent of the parent or guardian is not received, the student must be excused without any penalty as to credits or academic standing. All instructional materials must be available for inspection by parents or guardians at reasonable times and locations before the course is taught, and written notice of the availability of the material must be furnished to all parents and guardians.

## ***New Hampshire***

### [N.H. REV. STAT. ANN. § 186:11](#)

#### **State Board Duties**

Directs the state board to investigate the condition and efficiency of public education with special reference to the instruction given in physiology and hygiene in relation to the effect of alcohol and other drugs and venereal diseases on the human system. The board is required to develop and provide HIV-related educational material to: (1) all school boards; and (2) private and public elementary, secondary and postsecondary educational and vocational training institutions for the delivery of appropriate courses and programs. The board must also evaluate AIDS information programs and course counseling activities, on a continuing basis, at private and public secondary and postsecondary educational and vocational educational institutions.

### [N.H. REV. STAT. ANN. § 189:10](#)

#### **School Board Duties**

School boards are required to see that the studies prescribed by the state board are thoroughly taught, especially physiology and hygiene as it relates to the effect of alcohol and other drugs and venereal diseases on the human system.

## ***New Jersey***

### [N.J. REV. STAT. ANN. § 18A:35-4.7](#)

Any student whose parent or guardian presents the school principal with a signed statement that any part of health, family life education or sex education instruction is in conflict with his conscience, or sincerely held moral or religious beliefs will be excused from that portion of the course without any penalty regarding to credit or graduation.

#### **Relevant Policies from the *AIDS Prevention Act of 1999***

### [N.J. REV. STAT. ANN. § 18A:35-4.20](#)

Any sex education that is given as part of any planned course, curriculum or other instructional program that is intended to impart information or promote discussion or understanding in regard to human sexual behavior, sexual feelings and sexual values, human sexuality and reproduction, pregnancy avoidance or termination, HIV infection or STDs, must stress that abstinence from sexual activity is the only completely reliable means of eliminating the sexual transmission of HIV/AIDS and of avoiding pregnancy.

[N.J. REV. STAT. ANN. § 18A:35-4.21](#)

Directs the state board to include in its family life and HIV/AIDS curriculum instruction on reasons, skills and strategies for remaining or becoming abstinent from sexual activity. Any instruction concerning the use of contraceptives or prophylactics such as condoms must also include information on their failure rates for preventing pregnancy, HIV and other STDs in actual use among adolescent populations and must clearly explain the difference between risk reduction through the use of such devices and risk elimination through abstinence.

## **North Carolina**

[N.C. GEN. STAT. § 115C-81](#)

### **State Board Duties and Responsibilities**

Directs the state board to supervise the development of a comprehensive school health education program for students in kindergarten through 9th grade. The program must include age-appropriate instruction in preventing STDs, including AIDS and other communicable diseases and abstinence until marriage education.

Both abstinence only and STD prevention education must:

- Present techniques and strategies to deal with peer pressure and offer positive reinforcement and teach reasons, skills and strategies for remaining or becoming abstinent from sexual activity
- Teach the positive benefits of abstinence until marriage and the risks of premarital sexual activity
- Teach that abstinence from sexual activity until marriage is the only certain means of avoiding out-of-wedlock pregnancy, STDs and other associated health and emotional problems
- Teach that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding STDs.

In addition to the above requirements, the state board may only include on the recommended abstinence until marriage education curricula list, programs that include in appropriate grades and classes instruction that: (1) teaches that abstinence from sexual activity outside of marriage is the expected standard for all school-age children; (2) provides opportunities that allow for interaction between the parent or legal guardian and the student; and (3) provides factually accurate biological or pathological information that is related to the human reproductive system. Additionally, education on the prevention of STDs must include an emphasis on the importance of parental involvement and avoiding intravenous drug use. Any instruction concerning the causes of STDs in cases where homosexual acts are a significant means of transmission, must include the current legal status of those acts.

### **Local Duties and Responsibilities**

Local school administrative units are required to provide a comprehensive school health education program that meets all the requirements of this policy and any objectives established by the state board. Parents and legal guardians must be given an opportunity annually to review all program objectives and materials.

Local boards may expand on the subject areas to be included in the program and on the instructional objectives to be met. This expanded program may include a comprehensive sex education program only if a public hearing is conducted and the objectives for the proposed program and all instructional materials are made available to the public for 30 days prior to and after the hearing. Local boards of education are required to adopt policies to provide opportunities either for parents and legal guardians to consent or for parents and legal guardians to withhold their consent to the students' participation in any program.

Local boards are responsible for determining parental consent policies pertaining to providing students with information on where to obtain contraceptives and abortion referral. Any instruction concerning the use of contraceptives or prophylactics must provide accurate statistical information on their effectiveness and failure rates for preventing pregnancy and STDs in actual use among adolescent populations and must explain clearly the difference between risk reduction and risk elimination through abstinence. Contraceptives may not be made available or distributed on school property.

## **Ohio**

### [OHIO REV. CODE ANN. § 3313.60](#)

Requires each district to offer venereal disease education to each student, unless a student's parent or guardian provides a written excuse exempting the student.

### [OHIO REV. CODE ANN. § 3313.60.11](#)

Venereal disease education must emphasize that abstinence from sexual activity is the only protection that is 100% effective against unwanted pregnancy, STDs, and the sexual transmission of AIDS. In adopting minimum standards, the state board of education must require course material and instruction in venereal disease education courses to:

- Stress that students should abstain from sexual activity until after marriage
- Teach the potential physical, psychological, emotional and social side effects of participating in sexual activity outside of marriage
- Teach that conceiving children out of wedlock is likely to have harmful consequences for the child, the child's parents and society
- Stress that STDs are serious possible hazards of sexual activity
- Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock
- Advise students of the circumstances under which it is criminal to have sexual contact with a person under the age of sixteen pursuant to section [OHIO REV. CODE ANN. § 2907.04](#)

## **Oklahoma**

### [OKLA. STAT. TIT. 70, § 11-103.3](#)

Requires that AIDS prevention education be taught in the public schools of the state. Directs the department of education to develop curriculum and materials in conjunction with the department of health and to update curriculum as newly discovered medical facts make necessary. Programs must be limited to the discussion AIDS and its spread and prevention. Students are required to receive instruction at least once in the following grade spans: 5th through 6th, 7th through 9th and 10th through 12th. Districts may also develop their own AIDS prevention education curriculum and materials. Any curriculum and materials developed must be approved for medical accuracy by the department of health.

Districts are required to make curriculum and materials available for inspection by parents and guardians. Districts, at least one month prior to teaching AIDS prevention education in any classroom, must conduct for the parents and guardians during weekend and evening hours at least one presentation concerning the curriculum and materials. Students may not be required to participate if their parent or guardian objects in writing.

AIDS prevention education must specifically teach students that:

- Engaging in homosexual activity, promiscuous sexual activity, intravenous drug use or contact with contaminated blood products is now known to be primarily responsible for contact with the AIDS virus
- Avoiding the above activities is the only method of preventing the spread of the virus
- Sexual intercourse – with or without condoms – with any person testing positive for HIV places that individual in a high-risk category for developing AIDS.

The purpose of AIDS prevention education is to teach that abstinence from sexual activity is the only certain means for the prevention of the spread or contraction of the AIDS virus through sexual contact. It must also teach that artificial means of birth control are not a certain means of preventing the spread of the AIDS virus and reliance on such methods puts a person at risk for exposure to the disease.

### [OKLA. STAT. TIT. 70, § 11-105.1](#)

All curriculum and materials related to sex education must be available through the district for inspection by parents and guardians of any student who will be involved with the class, program, test, survey or questionnaire. One of the primary purposes of all curriculum and materials will be the teaching of or informing students about the practice of abstinence. Districts are required to provide prior written notification to parents or guardians of their right to inspect the curriculum and material and of their obligation to notify the school in writing if they do not want their child to participate in the class, program,

test, survey or questionnaire. Teachers are required to submit the curriculum, materials, tests or surveys to the district superintendent or a designee for approval prior to their use.

## **Oregon**

### [OR. REV. STAT. § 336.035](#)

Authorizes districts to establish a course of education concerning STDs, including recognition of causes, sources and symptoms, and the availability of diagnostic and treatment centers. Courses may be taught to adults from the community as well as to students enrolled in the school. The board must notify parents or guardians in advance, and a parent or guardian may excuse their child in writing. Parents and guardians may inspect the instructional materials before or during the time the course is taught.

Districts are required to coordinate the course with the officials of the local health department and the state superintendent of public Instruction. Teachers holding endorsements for health education are to be used where available. No teacher shall be subject to discipline or removal for teaching or refusing to teach courses concerning STDs.

## **Human Sexuality Education**

### [OR. REV. STAT. § 336.455 through OR. REV. STAT. § 336.455](#)

Course material and instruction for all human sexuality education courses that discuss human sexuality in public elementary and secondary schools shall enhance students' understanding of sexuality as a normal and healthy aspect of human development.

Course instruction shall be appropriate for the age of the pupils and satisfy the following criteria:

- Be comprehensive
- Include information about responsible sexual behaviors and hygienic practices that eliminate or reduce the risks of pregnancy, exposure to HIV, hepatitis B and other infectious or STDs and must be designed to allay those fears concerning the risks that are scientifically groundless
- Promote abstinence for school-age youth and mutually monogamous relationships with an uninfected partner for adults as the safest and most responsible sexual behavior. However, abstinence shall not be taught to the exclusion of other material and instruction on contraceptive and disease reduction measures; human sexuality education courses must acknowledge the value of abstinence while not devaluing or ignoring those young people who have had or are having sexual intercourse
- Include a discussion of the possible emotional, physical and psychological consequences of preadolescent and adolescent sexual intercourse and the emotional, physical and psychological consequences of unintended pregnancy; pupils shall be provided with statistics based on the latest medical information regarding both the possible side effects and health benefits of all forms of contraceptives, including the success and failure rates for prevention of pregnancy
- Stress that STDs are serious possible hazards of sexual contact; students will be provided with statistics based on the latest medical information regarding the efficacy of contraceptives in preventing HIV infection and other STDs
- Advise students of the laws pertaining to their financial responsibility for their children
- Advise students of the circumstances in which it is unlawful under [OR. REV. STAT. § 163.435](#) and [OR. REV. STAT. § 163.445](#) for persons 18 years of age or older to have sexual relations with persons younger than 18 years of age to whom they are not married
- Teach that no form of sexual expression is acceptable when it physically or emotionally harms oneself or others; teach students not to make unwanted physical and verbal sexual advances, how to decline unwanted sexual advances or accept the refusal of unwanted sexual advances; pupils shall be taught that it is wrong to take advantage of or to exploit another person; materials and information shall be presented in a manner sensitive to the fact that there are students who have experienced sexual abuse
- Validate through course material and instruction the importance of honesty with oneself and others, respect for each person's dignity and well-being, and responsibility for one's actions
- Assist students in the development and practice of effective communication skills, the development of self-esteem and the ability to resist peer pressure
- Encourage family communication and involvement and help students learn to make responsible decisions.

Any course in any public elementary and secondary school, the main purpose of which is to teach human

sexuality education, HIV education or both, must emphasize that abstinence from sexual contact is the only method that is 100% effective against unintended pregnancy, STDs and HIV when transmitted sexually. Abstinence is to be stressed, but not to the exclusion of other material and instruction on contraceptive and disease reduction measures. Such courses are to acknowledge the value of abstinence while not devaluing or ignoring those young people who have had or are having sexual intercourse.

OR. REV. STAT. § 336.465

Districts must:

- Give parents, guardians and district residents an opportunity to examine the instructional materials to be used in any class, course, assembly or school-sponsored activity
- Inform parents or guardians in advance of any instruction on human sexuality or HIV and give them an opportunity to review materials; at the same time, parents or guardians must be informed that no student may be required to take or participate in any instruction on human sexuality or HIV if the student's parent or guardian, after having reviewed the materials, submits written objection to the school district.

Refusal to take or participate in any class, course, assembly or school-sponsored activity on human sexuality or human immunodeficiency virus may not be reason for harassment, suspension or expulsion of the student.

OR. REV. STAT. § 336.475

The department of education is required to report to the Legislative Assembly at each regular session on the implementation of courses on family life, HIV and human sexuality. The report will be based on the data in the school districts' annual assurance reports.

## ***Pennsylvania***

PA. CONS. ST. § 4.29

Requires instruction regarding prevention of HIV, AIDS and other life-threatening and communicable diseases be given for primary, intermediate, middle school and high school education. Educational materials and instruction are determined by the district and are to be appropriate to the age group being taught. The program of instruction must include information about the nature of the diseases, treatments and cures, methods of transmission and how infection can be prevented. The school district may omit instruction in the elementary grades on transmission of disease through sexual activity. Programs discussing transmission through sexual activity shall stress that abstinence from sexual activity is the only completely reliable means of preventing sexual transmission.

A school district, including charter schools, is required to excuse a student from HIV/AIDS instruction when the instruction conflicts with the religious beliefs or principles of the pupil or parent or guardian of the pupil and when excusal is requested in writing. Prior to the commencement of instruction, a school district must publicize that detailed curriculum outlines and curricular materials used in conjunction with the instruction are available to parents and guardians during normal school hours or at teacher-parent conferences. If practical, curricular materials must be made available by the school district for use in home instruction by a parent or guardian of a student excused from the district's HIV/AIDS instruction.

## ***Rhode Island***

### **AIDS Education Program**

R.I. GEN. LAWS § 16-22-17

Directs the department of education to – according to rules promulgated by the commissioner of education and the director of the department of health – establish comprehensive AIDS instruction. The program is to provide students with accurate information and instruction on AIDS transmission and prevention, and will also address abstinence from sexual activity as the preferred means of prevention.

Upon written request to the school principal, a student at least 18 years old or a parent or legal guardian of a student less than 18 years of age must be permitted to examine the curriculum program instruction materials to be used at the school. Parents may exempt their children from the program by written directive to the school's principal. An exempted student may not be penalized academically due to the exemption.

## **Health and Family Life Courses**

### [R.I. GEN. LAWS § 16-22-18](#)

Every secondary school teaching courses in family life or sex education must include instruction on abstinence from sexual activity and refraining from sexual intercourse as the preferred method of preventing pregnancy and STDs.

Upon written request to the school principal, a student at least 18 years old or a parent or legal guardian of a student less than 18 years of age must be permitted to examine the curriculum program instruction materials to be used at the school. Parents may exempt their children from the program by written directive to the school's principal. An exempted student may not be penalized academically due to the exemption.

## **Coordination of Community-Based Family Life and Sex Education**

### [R.I. Gen. Laws § 23-13-20](#)

Authorizes the director of health, with the consultation from the commissioner of education, the director of human services, the family life center at the Community College of Rhode Island and the director of the department of children youth, and families to establish a family life and sex education coordination program to assist in the establishment of community networks of educators, counselors and health and human service providers in the maternal and child health planning areas of the state with high rates of teenage pregnancy.

## **South Carolina**

### **Comprehensive Health Education Program**

#### [S.C. CODE ANN. § 59-32-5 through S.C. CODE ANN. § 59-32-90](#)

Directs the state board to select or develop an instructional unit addressing the subjects of reproductive health education, family life education, pregnancy prevention education and STDs. The board is also to make information available about programs developed by other states. The state's educational television commission is directed to work with the department in developing instructional programs and materials. Materials may not contain actual or simulated portrayals of sexual activities or sexual intercourse. Local boards may use the instructional unit made available by the state or they may select or develop their own. To assist in the selection, local boards must appoint a local advisory committee consisting of two parents, three clergy, two health professionals, two teachers, two students, one being the president of the student body of a high school and two other persons not employed by the district.

### **Reproductive Health Education**

Instruction in human physiology, conception, prenatal care and development, childbirth, and postnatal care, but does not include instruction concerning sexual practices outside marriage or practices unrelated to reproduction except within the context of the risk of disease. Abstinence and the risks associated with sexual activity outside of marriage must be strongly emphasized.

Family life education is intended to:

- Develop an understanding of the physical, mental, emotional, social, economic and psychological aspects of close personal relationships and an understanding of the physiological, psychological and cultural foundations of human development
- Provide instruction that will support the development of responsible personal values and behavior and aid in establishing a strong family life for themselves in the future and emphasize the responsibilities of marriage
- Provide instruction as to the laws of the state relating to the sexual conduct of minors, including criminal sexual conduct.

Pregnancy prevention education is intended to:

- Stress the importance of abstaining from sexual activity until marriage
- Help students develop skills to enable them to resist peer pressure and abstain from sexual activity
- Explain methods of contraception and the risks and benefits of each method; abortion may not be included as a method of birth control; instruction explaining the methods of contraception may not be included in any education program for grades kindergarten through 5th; contraceptive information must be given in the context of future family planning.

Instruction in pregnancy prevention education must be presented separately to male and female students.

Local boards are responsible for implementing the following program of instruction:

- For grades kindergarten through 5th, at the discretion of the local board, age-appropriate instruction in reproductive health
- For grades 6th through 8th, instruction in prevention and control of diseases, and reproductive health education; STDs are to be included as a part of instruction; at the discretion of the local board, instruction in family life education or pregnancy prevention education may be included, but instruction in these subjects may not include an explanation of the methods of contraception before the 6th grade
- At least one time during the four years of grades 9th through 12th, each student must receive instruction in comprehensive health education, including at least 750 minutes of reproductive health education and pregnancy prevention education.

Instruction may not include a discussion of alternate sexual lifestyles from heterosexual relationships including, but not limited to, homosexual relationships except in the context of instruction concerning STDs. In 9th through 12th grades, students must be instructed that adoption is a positive alternative.

Contraceptives may not be distributed in or on the school grounds of any public school. Districts may not contract with any contraceptive provider for their distribution in or on the school grounds. Except for instruction relating to complications which may develop from all types of abortions, school districts may not offer programs, instruction or activities including abortion counseling, information about abortion services or assist in obtaining abortion. Materials containing this information may not be distributed in schools.

Local boards are responsible for determining a process of parental notification of the content of any program and for providing them the opportunity to review materials and exempt their children. A principal, upon receipt of a statement signed by a student's parent or legal guardian stating that participation by the student in the health education program conflicts with the family's beliefs, is required to exempt that student from any portion or all of the units where any conflicts occur. No student may be penalized as a result of an exemption.

## **South Dakota**

### [S.D. CODIFIED LAWS § 13-33-6.1](#)

One of the purposes of character development is to impress upon the minds of students the importance of sexual abstinence.

## **Tennessee**

### **Sex Education**

#### [TENN. CODE ANN. § 49-6-1005](#)

Sex education courses in public elementary, junior high or high schools must be approved by both the state and the local school boards involved, and must be taught by qualified instructors as determined by the local board. Any course in sex education must – in addition to teaching facts concerning human reproduction, hygiene and health concerns – include presentations encouraging abstinence from sexual intercourse during the teen and pre-teen years.

### **AIDS Education Programs**

#### [TENN. CODE ANN. § 49-6-1008](#)

Materials that include information pertaining to the prevention of AIDS or other STDs must place primary emphasis on abstinence from premarital intimacy and on the avoidance of drug abuse in controlling the spread of AIDS. Local boards have the authority to determine whether or not to adopt an AIDS education program.

### **Family Life Instruction**

#### [TENN. CODE ANN. § 49-6-1301](#)

Requires that counties whose pregnancy rates exceed 19.5 pregnancies per 1,000 females ages 15 through 17 locally devise, adopt and implement a program of family life instruction in conformance with

the curriculum guidelines established by the state board. Programs must emphasize abstinence from sexual relations outside of marriage, the right and responsibility of a person to refuse to engage in such relations, basic moral values, as well as the obligations and consequences which arise from intimacy. The program must also include a component that specifically addresses the nature and prevention of AIDS and other STDs.

Programs must be implemented during each of the succeeding four school years following the calendar year in which data is released indicating the above pregnancy rates. If, at any time during such four-year period, any local education agency (LEA) within a county fails to implement a locally devised program, the LEA is required to implement the complete plan of family life instruction developed by the state board, and must fully participate in the program of technical support and assistance established in [TENN. CODE ANN. § 49-1-205](#).

The LEA must prescribe procedures to provide for the periodic review and evaluation of family life instruction and to provide for periodic public hearings and parental conferences to ensure a high level of community and parental input and support for family life instruction. Failure to fully comply with this policy will subject the LEA to a withholding of state funds by the commissioner of education.

### **Family Life Curriculum**

[TENN. CODE ANN. § 49-6-1302](#)

Directs the state board of education to develop a complete plan of family life instruction suitable for implementation by any LEA that fails to devise, adopt and implement a local program of family life instruction.

The plan must include all procedures and policies necessary for local implementation, administration, evaluation and supervision of family life instruction and emphasize abstinence from sexual relations outside of marriage, the right and responsibility of a person to refuse to engage in such relations, basic moral values and the obligations and consequences which arise from intimacy. The plan must include a component that specifically addresses the nature and prevention of AIDS and other STDs.

In developing the plan, the state board will consider such programs and materials as "Sex Respect," "Teen-Aid," and the "3-R Project" of the South Carolina departments of education and health. The plan will require the LEA to undertake appropriate and adequate measures to encourage and maintain the highest level of parental and community support for family life instruction in the home, in church and at school. The plan must include procedures and policies whereby the LEA may utilize the services of qualified health care professionals and social workers to assist in family life instruction.

Prior to implementing the complete plan of family life instruction developed by the state board of education, an LEA is required to conduct at least one public hearing where the plan will be explained and at which time members of the public will have the opportunity to speak and express their opinions and concerns. Additionally, the plan will require the LEA to periodically conduct public meetings for parents to confer with family life instructors, to review resource materials and course content and to offer comments and suggestions. After implementation of the plan, upon request of the LEA or upon petition by 50 or more parents or guardians of children enrolled within the LEA, the department of education must audit the LEA for the purposes of evaluating the quality and effectiveness of the plan of family life instruction and recommending methods whereby the LEA may improve quality and effectiveness and foster a higher level of parental and community support.

### **Children Excused from Instruction by Parent or Guardian**

[TENN. CODE ANN. § 49-6-1303](#)

A parent or guardian who wishes to excuse a student from all portions of family life instruction must submit the request in writing to the student's principal, director of schools and board of education. A student who is excused from all portions of family life instruction may not be penalized for grading purposes if the student performs in a timely and satisfactory manner alternative health or social studies lessons specifically assigned by the board.

## **Texas**

### [TEX. EDUC. CODE ANN. § 28.004](#)

Any course materials or instruction relating to human sexuality, STDs, or HIV or AIDS will be selected by the board of trustees with the advice of the local school health advisory council. The board of trustees appoints members to the health advisory council, a majority of whom is to be parents of students in the district who are not employed by the district. The board may appoint members from other groups, including public school teachers, public school administrators, district students, health-care professionals, the business community, law enforcement, senior citizens, the clergy and nonprofit health organizations

Materials and instruction must:

- Present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age
- Devote more attention to abstinence from sexual activity than to any other behavior
- Emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100% effective in preventing pregnancy, STDs, infection with HIV or AIDS and the emotional trauma associated with adolescent sexual activity
- Direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy, STDs, and infection with HIV or AIDS
- Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in curriculum content.

A school district may not distribute condoms in connection with instruction relating to human sexuality. A school district that provides human sexuality instruction may separate students according to sex for instructional purposes. The board of trustees shall determine the specific content of the district's instruction in human sexuality, in accordance with the above conditions.

Districts are required to notify a parent of each student enrolled in the district of: (1) the basic content of the district's human sexuality instruction to be provided to the student; and (2) the parent's right to remove the student from any part of the district's human sexuality instruction. Districts must make all curriculum materials used in human sexuality instruction available for reasonable public inspection.

## **Utah**

### [UTAH CODE ANN. § 53A-13-101](#)

Directs the state board to establish curriculum requirements that include instruction in prevention of communicable disease. This instruction must stress:

- The importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases
- Personal skills that encourage individual choice of abstinence and fidelity.

Materials adopted by local boards will be based upon recommendations of the school district's Curriculum Materials Review Committee that comply with state law and state board rules emphasizing abstinence before marriage and fidelity after marriage, and prohibiting instruction in:

- The intricacies of intercourse, sexual stimulation or erotic behavior
- The advocacy of homosexuality
- The advocacy or encouragement of the use of contraceptive methods or devices
- The advocacy of sexual activity outside of marriage.

Adoption of instructional materials shall take place in an open and regular meeting of the local school board, and prior notice must be given to parents and guardians of students for them to express their views and opinions on the materials at the meeting. At the request of the board, the department of health will cooperate in developing programs to provide instruction in those areas.

The board must adopt rules that provide that the parental consent requirements of [UTAH CODE ANN. § 76-7-322](#) and [UTAH CODE ANN. § 76-7-323](#) are complied with and require a student's parent or legal guardian to be notified in advance and have an opportunity to review the information for which parental consent is required.

Districts are required to provide in-service training for teachers, counselors and school administrators to enable them to understand, protect and properly instruct students in the values and character traits referred to in [UTAH CODE ANN. § 53A-13-101.1](#), [UTAH CODE ANN. § 53A-13-101.2](#), [UTAH CODE ANN. § 53A-13-101.3](#), [UTAH CODE ANN. § 53A-13-109](#), [UTAH CODE ANN. § 53A-13-301](#) and [UTAH CODE ANN. § 53A-13-302](#). Appropriate written materials on the values, character traits and conduct to each individual receiving the in-service training as well as to classified employees, students and parents and guardians of students.

## **Vermont**

### [VT. STAT. ANN. TIT. 16, § 131](#)

Comprehensive health education is a systematic and extensive elementary and secondary educational program designed to provide a variety of learning experiences based upon knowledge of the human organism as it functions within its environment.

The term includes:

- Body structure and function, including the physical, psychosocial and psychological basis of human development, sexuality and reproduction
- Disease, such as HIV, STDs, as well as other communicable diseases, and the prevention of disease
- Family health and mental health, including instruction which promotes the development of responsible personal behavior involving decisionmaking about sexual activity including abstinence; skills which strengthen existing family ties involving communication, cooperation, and interaction between parents and students; and instruction to aid in the establishment of strong family life in the future, thereby contributing to the enrichment of the community
- Human growth and development, including understanding the physical, emotional and social elements of individual development and interpersonal relationships, including instruction in parenting methods and styles; this includes information regarding the possible outcomes of premature sexual activity, contraceptives, adolescent pregnancy, childbirth, adoption and abortion.

### [VT. STAT. ANN. TIT. 16, § 132](#)

Directs the state commissioner to establish an advisory council on comprehensive health education. The board is to consist of 11 members, with at least three members associated with the health services field. The council will assist the department of education in planning a program of comprehensive health education in the public schools.

### [VT. STAT. ANN. TIT. 16, § 133](#)

Directs the commissioner to appoint one qualified person to supervise the preparation of appropriate curricula for use in the public schools, to promote programs for the preparation of teachers to teach these curricula and to assist in the development of comprehensive health education programs.

### [VT. STAT. ANN. TIT. 16, § 134](#)

Any student whose parents present to the principal a signed statement that the teaching of disease, its symptoms, development and treatment, conflicts with the parents' religious convictions will be exempted, and no child so exempt may be penalized by reason of that exemption.

## **Virginia**

### [VA. CODE ANN. § 22.1-207.1](#)

Directs the board of education to develop standards of learning and curriculum guidelines for a comprehensive, sequential family life education curriculum in kindergarten through 12th grades. Curriculum guidelines must include instruction as appropriate for the age of the student in family living and community relationships, abstinence education, the value of postponing sexual activity, the benefits of adoption as a positive choice in the event of an unwanted pregnancy, human sexuality, human reproduction, steps to take to avoid sexual assault, and the availability of counseling and legal resources, and, in the event of such sexual assault, the importance of immediate medical attention and advice, as well as the requirements of the law and the etiology, prevention and effects of STDs.

Instruction must be designed to promote parental involvement, foster positive self-concepts and provide mechanisms for coping with peer pressure and the stresses of modern living according to the students'

developmental stages and abilities. The board will also establish requirements for appropriate training for teachers of family life education, which will include training in instructional elements to support the various curriculum components.

"Abstinence education" is an educational or motivational component that has as its exclusive purpose teaching the social, psychological and health gains to be realized by teenagers' abstaining from sexual activity before marriage.

[VA. CODE ANN. § 22.1-207.1](#)

Every parent or guardian has the right to review the complete family life curricula, including all supplemental materials used in any family-life education program. A complete copy of all printed materials and a description of all audio-visual materials must be kept in the school library or office and made available for review to any parent or guardian during school office hours before and during the school year. The audio-visual materials will be made available to parents for review, upon request, on the same basis as printed materials are made available.

Each school board shall develop and, upon request of a parent or guardian, distribute a summary designed to assist in understanding the program implemented and to encourage parental guidance and involvement in the instruction of the students.

## **Washington**

[WASH. REV. CODE ANN. § 28A.230.070](#)

Directs each district board of directors to adopt an AIDS prevention education program that is developed in consultation with teachers, administrators, parents and other community members including, but not limited to, persons from medical, public health and mental health organizations and agencies.

Model curricula and other resources available from the superintendent of public instruction may be reviewed by district board of directors – in addition to materials designed locally – in developing the district's AIDS education program. The model curricula will be reviewed for medical accuracy by the office on AIDS within the department of social and health services. The superintendent of public instruction, with the assistance of the office on AIDS, will update AIDS education curriculum material as newly discovered medical facts make it necessary.

Curricula and materials developed for use in the AIDS education program must be either:

- The model curricula made available from the superintendent of public instruction
- Developed by the school district and approved for medical accuracy by the office on AIDS established in [WASH. REV. CODE ANN. § 70.24.250](#).

Districts electing to use locally-developed curricula must submit a copy to the office on AIDS along with an affidavit of medical accuracy stating that the material has been compared to the model curricula for medical accuracy and that in the opinion of the district, the materials are medically accurate.

At least one month prior to teaching AIDS prevention education, each district is required to conduct at least one presentation during weekend and evening hours for parents and guardians. The parents and guardians must be notified by the school district of the presentation and that the curricula and materials are available for inspection. No student may be required to participate in AIDS prevention education if the student's parent or guardian – having attended one of the district presentations – objects in writing to the participation.

AIDS prevention education curriculum will be designed to teach students the behaviors that place a person dangerously at risk of infection with HIV and methods to avoid such risk including, at least:

- The dangers of drug abuse, especially that involving the use of hypodermic needles
- The dangers of sexual intercourse, with or without condoms.

The program must stress that abstinence from sexual activity is the only certain means for the prevention of the spread or contraction of AIDS through sexual contact. It will also teach that condoms and other artificial means of birth control are not a certain means of preventing the spread of AIDS and reliance on condoms puts a person at risk for exposure to the disease.

## **West Virginia**

### [W. VA. CODE § 18-2-9](#)

Directs the state board to have health education taught in all public schools, including instruction in any grades 6th through 12th – as determined by the county board – on the prevention, transmission and spread of AIDS and other STDs. Course curriculum requirements and materials are to be adopted by the state board in consultation with the department of health and human resources. Parents and guardians are to be provided an opportunity to examine course curriculum requirements and materials, and they may exempt their child from participation by giving notice to the school principal.

## **Wisconsin**

### [WIS. STAT. ANN. § 115.35](#)

Establishes a critical health problems education program designed to educate youth regarding critical health problems including AIDS and other STDs. Participation in the human growth and development topic of the curricula will be entirely voluntary.

Directs the state superintendent to:

- Establish guidelines to help school districts develop comprehensive health education programs
- Establish special in-service programs to provide professional preparation in health education for teachers throughout the state
- Provide leadership institutions of higher education to develop and extend curricula in health education for professional preparation in both in-service and pre-service programs
- Develop cooperative programs between school districts and institutions of higher education whereby the appropriate health personnel of such institutions would be available to guide the continuing professional preparation of teachers and the development of curricula for local programs
- Assist in the development of plans and procedures for the evaluation of health education curricula.

Authorizes the department of education to appoint a council consisting of representatives from universities and colleges, law enforcement, the various fields of education, the voluntary health agencies, the department of health and family services, the professional health associations and other groups or agencies to advise it on the implementation of this policy, including teachers, administrators and local school boards.

### [WIS. STAT. ANN. § 118.01](#)

Instruction in physiology and hygiene, including instruction on STDs must be offered in every high school. A parent may exempt their child by filing a written objection with the teacher. Exempted students may not be required to be examined and may not be penalized in any way for not taking the instruction.

### [WIS. STAT. ANN. § 118.019](#)

Authorizes school boards to provide an instructional program in human growth and development in grades kindergarten to 12. Programs must offer information and instruction appropriate to each grade level and the age and level of maturity of the pupils.

The program may include instruction in any of the following areas:

- Discouragement of adolescent sexual activity
- Human sexuality, reproduction, family planning as defined in [WIS. STAT. ANN. § 253.07](#), including natural family planning; HIV and AIDS; prenatal development; childbirth; adoption; available prenatal and postnatal support; and male and female responsibilities
- Sex stereotypes and protective behavior.

The program must:

- Present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried pupils
- Emphasize that abstinence from sexual activity before marriage is the most effective way to prevent pregnancy and STDs, including HIV and AIDS.

Any school board that provides an instructional program under this policy must annually provide parents with an outline of the curriculum and information regarding how parents may inspect the complete curriculum and instructional materials. All curriculum and instructional materials are to be available upon request for inspection at any time. A parent may exempt their child by filing a written objection with the teacher.

The board of any district that offers a human growth and development curriculum under this policy must appoint an advisory committee composed of parents, teachers, school administrators, pupils, health care professionals, members of the clergy and other residents of the school district. The advisory committee will develop the human growth and development curriculum and advise the school board on the design, review and implementation of the advisory committee's human growth and development curriculum.

## **Territories**

### ***Puerto Rico***

P.R. LAWS ANN. TIT. 3, § 144D

Directs the schools, with the advice of the department of education to implement sexual education programs. Programs are to emphasize the physiological and emotional aspects of sexual relations, as well as the family responsibilities and risks entailed as a result of these relationships.

### ***Virgin Islands***

V.I. CODE ANN. TIT. 17, § 41

As part of the health curriculum, all public schools are required to instruct students in family life and sex education for K through 12th grade. An AIDS prevention education program will be part of this curriculum.

*Kyle Zinth, researcher in the ECS Information Clearinghouse, compiled this report. E-mail:*

[kzinth@ecs.org](mailto:kzinth@ecs.org).

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