

By: Ellis, et al.

S.B. No. 26

A BILL TO BE ENTITLED

AN ACT

relating to health education curriculum and instruction in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Texas Education Works Act.

SECTION 2. Section 28.004, Education Code, is amended by amending Subsection (e) and adding Subsection (o) to read as follows:

(e) Any course materials and instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus or acquired immune deficiency syndrome shall be selected by the board of trustees with the advice of the local school health advisory council and ~~[must]~~:

(1) must present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for ~~[unmarried]~~ persons of school age;

(2) must devote sufficient ~~[more]~~ attention to abstinence from sexual activity to emphasize the importance of abstinence from sexual activity ~~[than to any other behavior]~~;

(3) must emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted infections ~~[diseases]~~, sexually transmitted infection

with human immunodeficiency virus, ~~[or]~~ acquired immune deficiency syndrome resulting from sexual activity, and the emotional distress that may be ~~[trauma]~~ associated with adolescent sexual activity that results in a sexually transmitted infection or an unintended pregnancy;

(4) must direct adolescents to a standard of behavior in which abstinence from sexual activity ~~[before marriage]~~ is the most effective way to prevent pregnancy, sexually transmitted infections ~~[diseases]~~, sexually transmitted ~~[and]~~ infection with human immunodeficiency virus, and ~~[or]~~ acquired immune deficiency syndrome resulting from sexual activity; ~~[and]~~

(5) must present age-appropriate information;

(6) must be evidence-based;

(7) must provide information about the effectiveness of methods approved by the United States Food and Drug Administration for reducing the risk of contracting sexually transmitted infections, including human immunodeficiency virus, and preventing pregnancy;

(8) must include strategies to promote effective communication between adolescents and their parents and other family members about values and healthy relationships;

(9) must encourage students to develop healthy life skills, including goal setting, responsible decision making, refusal and negotiation, and effective communication;

(10) must teach skills for making responsible decisions about sexual activity, including how to avoid unwanted verbal or physical sexual advances and how to avoid making unwanted

verbal or physical sexual advances; and

(11) may not promote bias against:

(A) students of any race, gender, sexual orientation, or ethnic or cultural background;

(B) sexually active students; or

(C) children with disabilities ~~[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].~~

(o) In this section:

(1) "Age-appropriate information" means information, including topics, messages, and teaching methods, that is suitable for the particular ages or age groups of children and adolescents to whom the information is to be presented based on the developing cognitive, emotional, and behavioral capacity of children or adolescents of that age or age group.

(2) "Evidence-based" means:

(A) verified or supported by research that is:

(i) in compliance with accepted scientific methods;

(ii) published in peer-reviewed journals, if appropriate; and

(iii) recognized as medically accurate, objective, and complete by mainstream professional organizations and agencies with expertise in the relevant field, including the Centers for Disease Control and Prevention and the United States Department of Health and Human Services' Office of Adolescent

1 Health; and

2 (B) proven, through rigorous scientific
3 evaluation, to achieve positive outcomes concerning sexually risky
4 behavior or negative health consequences of sexually risky
5 behavior.

6 SECTION 3. (a) A school district that uses instructional
7 materials that do not reflect the requirements prescribed by
8 Section 28.004(e), Education Code, as amended by this Act, shall
9 also use appropriate supplemental instructional materials as
10 necessary to comply with those requirements.

11 (b) A school district that permits a person not employed by
12 the district to present one or more components of the district's
13 human sexuality instruction must require the person to comply with
14 the requirements prescribed by Section 28.004(e), Education Code,
15 as amended by this Act.

16 SECTION 4. This Act applies beginning with the 2013-2014
17 school year.

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect on the 91st day after the last day of the
23 legislative session.