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**From:** Sen.Lazich

**Sent:** Friday, September 30, 2011 4:25 PM

**To:** \*Legislative Senate Republicans; \*Legislative Senate Democrats; \*Legislative Assembly Republicans; \*Legislative Assembly Democrats; \*Legislative Assembly Independents

**Subject:** Co-Sponsorship of LRB-2088, restoring local control to instruction in human growth and development

**CO-SPONSORSHIP MEMORANDUM**

**DATE:** Friday, September 30, 2011

**TO:** All Legislators

**FROM:** Senator Mary Lazich

**RE:** Co-Sponsorship of LRB-2088, restoring local control to instruction in human growth and development

**DEADLINE: Friday, October 7, 2011**

Continuing the theme of increasing flexibility for local school districts, we are introducing legislation that provides local control and flexibility administering 2009 Act 134, known as the Healthy Youth Act. The bill fosters a partnership between parents and the school district, a partnership that is in the best interest of the students' health and well-being.

The bill recognizes that appropriate sex education instruction varies between communities. As such, the bill gives each community *options*, rather than *mandates*. This provides local school districts the power to choose a curriculum that is reflective of the surrounding community's values.

Additionally, this bill correctly emphasizes abstinence as the only reliable method for avoiding pregnancy and sexually transmitted diseases. It also revises the definitions of medically accurate information and age-appropriate to ensure they are consistent with current scientific standards and children's cognitive capacities. The bill provides the most scientifically accurate overview of the entire process of human development

Further, the bill provides that membership on local curriculum advisory committees is fairly distributed among various groups. This allows all local voices to be heard during the creation of growth and development instruction plans.

Finally, the bill puts an end to the practice of outside volunteer health care providers giving instruction in sexual education. Under current law, members of groups such as Planned Parenthood are able to instruct children in contraception and abortion services. During this instruction, the instructor is considered an agent of the state, and any civil liability is assumed by the state. This is an irresponsible practice that should be reversed.

Please respond to this email, or contact my office at 6-5400 by October 7 to sign on to this legislation.

### ***Analysis by the Legislative Reference Bureau***

Under current law, a school board may offer an instructional program in human growth and development (instructional program). If the school board offers an instructional program, the instructional program must provide medically accurate information and, when age appropriate, address all of the following: 1) communication between the pupil and the pupil's parents or guardians about sexuality; 2) reproductive and sexual anatomy and physiology; 3) puberty, pregnancy, parenting, body image, and gender stereotypes; 4) skills to make

responsible decisions about sexuality and sexual behavior throughout the pupil's life span, including how to recognize, rebuff, and report unwanted or inappropriate verbal, physical, or sexual behaviors; 5) the benefits of and reasons for abstaining from sexual activity; 6) the health benefits, side effects, and proper use of contraceptives and barrier methods approved by the federal Food and Drug Administration (FDA) to prevent pregnancy and barrier methods approved by the FDA to prevent sexually transmitted infections; 7) methods for developing healthy life skills, including setting goals, responsible decision making, communication, and stress management; 8) how alcohol or drug use affects responsible decision making; and 9) the impact of media and peer messages on thoughts, feelings, and behaviors related to sexuality. If a school board provides instruction in any of the subject areas enumerated in items 1 to 9, it must do all of the following: a) ensure that instruction in marriage and family responsibility is provided, but not necessarily in the same course or during the same school year; b) instruct pupils about the criminal penalties for engaging in sexual activities involving a child; and c) instruct pupils about sex offender registration requirements.

This bill recommends, rather than requires, instructional topics for a school board that

elects to provide an instructional program and restructures the recommended curriculum. The bill eliminates from the current law curriculum items 3 and 6, above, but retains discussion of pregnancy, parenting, and gender stereotypes in other portions of the recommended curriculum. The bill modifies item 4 by adding discussion of bullying, and modifies item 5 to require the instruction under that item to identify the skills necessary to remain abstinent. The bill also adds the following subjects to the recommended topics, instruction of which is to be medically accurate and provided when age appropriate: adoption resources, prenatal care, and postnatal supports, and the nature and treatment of sexually transmitted infections, personal responsibility, and the positive connection between marriage and parenting.

The bill requires a school board that offers an instructional program to do all of the following in the same course and during the same year: 1) present abstinence as the preferred choice of behavior for unmarried pupils; 2) emphasize that abstinence is the only reliable way to prevent pregnancy and avoid sexually transmitted infections; 3) provide instruction in parental responsibility and the socioeconomic benefits of marriage; and 4) explain pregnancy, prenatal development, and childbirth. The bill also permits a school board to provide the instructional program to pupils while the pupils are separated from members of the opposite sex.

Under current law, the instructional program must also do all of the following: 1) use instructional methods and materials that do not promote bias against pupils of any race, gender, religion, sexual orientation, or ethnic or cultural background or against sexually active pupils or children with disabilities; 2) promote self-esteem and positive interpersonal skills, with an emphasis on healthy relationships; and 3) identify counseling, medical, and legal resources for survivors of sexual abuse and that no one category of member may constitute more than one fifth of the membership of the committee and no more than one quarter of the committee may be made up of employees of the school district or their spouses or members of the school board or their spouses.

Under current law, a volunteer health care provider (provider) may apply to the Department of Administration to be permitted to provide health care services without charge in a school or nonprofit agency. If the provider wishes to provide

assault, including resources for escaping violent relationships. This bill replaces item 1, above, with a reference to a provision under current law that prohibits discrimination in public schools.

Current law defines "medically accurate information" as information that satisfies all of the following: 1) the information is supported by the weight of research conducted in compliance with accepted scientific methods; 2) where appropriate, the information is published in peer-reviewed journals; and 3) the information is recognized as accurate by relevant leading professional organizations or agencies, such as the American Medical Association, the American Public Health Association, or the American Academy of Pediatrics. Current law defines "age appropriate" as suitable to a particular age group of pupils based on the developing cognitive and emotional capacity of and behaviors typical for the age group. Current law permits a school district to eliminate from the human

sexuality and development curriculum information that is not age appropriate.

This bill modifies the definition for “medically accurate information” to mean information that is scientifically-based and published, where appropriate, in peer-reviewed journals and textbooks. The bill also modifies the definition of “age-appropriate” to mean suitable to a particular age group of pupils based on their developing cognitive and emotional capacity and consistent with adolescent development and community standards.

Current law permits a pupil’s parent or guardian to request that the pupil be exempt from participating in the instructional program. Current law also requires each school board that provides an instructional program to distribute an outline of the curriculum to the parents or guardians of each pupil enrolled in the district. This bill modifies the exemption to clarify that an exempted pupil will still receive instruction on how to recognize, avoid, prevent, and halt physically or psychologically intrusive or abusive situations. The bill also modifies the exemption to clarify that an exempted high school pupil will receive instruction in physiology and hygiene and the effects of alcohol and controlled substances on the body unless the pupil has also been exempted from this instruction. The bill provides that the school district must provide an explanation of these exemptions along with the outline of the curriculum.

Current law requires each school board that elects not to offer an instructional program to notify each pupil’s parent or guardian of this fact. This bill eliminates that requirement. Current law also requires the state superintendent to apply for federal funds to implement an evidence-based teen pregnancy prevention program. This bill requires the state superintendent to apply for all federal funds allocated for providing instruction in any of the recommended or required topics.

Current law requires each school district that offers an instructional program to 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 committee is required under current law to review the curriculum at least every three years. This bill specifies that the purpose of the committee is to advise the school board on the design and implementation of the curriculum and to review the curriculum every three years. The bill also provides services at a school, the provider must file the application jointly with the school board or, if the school is a charter school, the governing body of the school. “Volunteer health care provider” is defined under current law as a physician, dentist or dental hygienist, registered nurse, practical nurse, nurse-midwife, nurse practitioner, optometrist, physician assistant, or dietitian who receives no income from the practice of that health care profession or who receives no income from the practice of that health care profession when providing services at the school. Under current law, the provider may provide instruction in human growth and development if the instructional program complies with the requirements above. This bill prevents a provider from providing instruction in human growth and development.

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