

Sex Education Law Clarification

1. Actually clarifies and defines the former Family Life Law.
2. All LEAs must be abstinence centered, however each LEA chooses to be abstinence centered with or without teaching about contraception.
3. Does not change Health Education or Lifetime Wellness state standards k-12
4. A parent or legal guardian of a student enrolled in a course teaching family life may file a complaint with the director of schools if the parent or legal guardian believes that a teacher, instructor, or representative of an organization has not complied with the requirements of this part. The director shall investigate the complaint and report such director's findings, along with any recommendations for disciplinary action, to the local board for further action.
5. A teacher cannot be brought up on civil grounds and have the \$500.00 penalty attached – this is strictly for outside agencies.
6. LEA are to notify parent/legal guardian at least 30 days prior to teaching family life content. If parent chooses to not let their child participate in family life education, the teacher must provide an alternative health lesson and the student cannot be penalized. If parent chooses to opt a child out, this needs to be in writing (permission form). Teachers need to keep accurate records of permission and/or opt out forms.
7. Nothing shall prohibit an LEA from utilizing the services of a qualified health care professional or social worker to assist in teaching family life.
8. An LEA shall not utilize the services of any individual or organization to assist in teaching family life if that individual or organization endorses student non-abstinence as an appropriate or acceptable behavior, or if that individual or organization promotes gateway sexual activity.
 - Here is the controversy: The Office of Coordinated School health's explanation of a "Gateway sexual activity is an activity that leads to non-abstinent behavior" (per the legislation).
 - **Abstinence** means not participating in any activity that puts an individual at risk for pregnancy or a sexually transmitted disease. . (per the legislation) Therefore, the OCSH interprets this to mean holding hands or hugging is NOT considered a Gateway Sexual Activity.
 - **Abstinence-centered curriculum** means that the majority of the content of a curriculum promotes sexual risk avoidance as the primary goal. Supplemental topics in the curriculum, such as healthy relationships and substance abuse, reinforce the goal of primary prevention. (per the legislation) Therefore, the OCSH interprets this to mean holding hands or hugging is NOT considered a Gateway Sexual Activity.

In Summary:

- Follow the Department of Education's State Standards for Health Education and Lifetime Wellness k-12 and make sure any outside entity teaching the standards follow them as well.
- Make sure you are following your local School Board's policy on your LEA being "abstinence only" or "abstinence based/centered" with or without teaching about contraception.