



Sexuality Information and Education
Council of the United States

2019

SEX ED STATE LEGISLATIVE GUIDE

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INTRODUCTION

As 2019 state legislative sessions begin to convene, sex education advocates have a unique opportunity to advance sex education policies across the United States unlike ever before. Following the 2018 midterm elections, new leaders at every level of state government—from school boards to governors themselves—are currently working to set their top legislative priorities.

Building off of the momentum created by these historic midterms, state advocates now have the chance to further the sexual health and rights of young people in every community by introducing bills that: mandate comprehensive sexuality education in schools, prohibit discrimination of marginalized young people including youth of color and LGBTQ youth—with an emphasis on transgender and gender-nonconforming youth, and reduce barriers that limit access to safe and legal abortion.

This legislative guide provides an overview of the 2018 state legislative session and midterm election results, noting their potential impacts for the 2019 session. The guide also highlights key states that, currently, present significant opportunities for the advancement of sex education policy, as well as providing suggestions for how sex education advocates can take action to further sexual health, rights, and access to care for young people nationwide.

2018 STATE LEGISLATIVE WRAP UP

The [2018 Sex Ed State Legislative Mid-Year Report](#) identified 139 bills introduced in state legislative sessions across the country related to sex education. As of May 31, 2018, 12 of these bills had passed and a majority of the state legislative sessions had adjourned for the year. Since then, nine more sex education-focused bills passed in 2018, ranging from requiring consent in sex education instruction to requiring that sex education include instruction for navigating sex and sexuality in the digital age. The details of each of these bills are below.



California passed three sex education bills in 2018. The first, [AB 1868](#), was introduced by Assemblyman Jordan Cunningham (R-35) and was enrolled as [Ch. 428](#) on September 17th. The law allows school districts to provide an optional component of sex education instruction on the potential risks and consequences of creating and sharing sexually suggestive or explicit materials through cell phones and digital media.

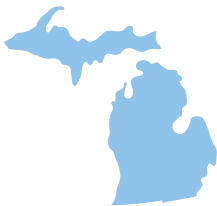
California [AB 1861](#) was enrolled as [Ch. 807](#) on September 27th. Introduced by Assemblyman Freddie Rodriguez (D-52), the law requires the already-mandated information about human trafficking in sex education instruction to further include information on how social media and mobile devices are used for human trafficking.

Lastly, California enrolled [Ch. 495](#) on September 18th. Introduced as [AB 2601](#) by Assemblywoman Shirley Weber (D-79), the legislation extends California's Healthy Youth Act to charter schools, requiring them to provide comprehensive sexual health education from grades 7–12.

Illinois enacted [HB 4442](#), enrolled as [Public Act 100-1043](#), on August 23rd. Introduced by Rep. Robyn Gabel (D-18), the legislation requires the State Board of Education to implement a pilot program including instruction on parenting education for grades 9–12, which may be included in the Comprehensive Health Education Program.



Additionally, Illinois [HB 5148](#), introduced by Rep. Stephanie Kifowit (D-84), was enrolled as [Public Act 100-0684](#) on August 3rd. It requires that discussion regarding consent, sexual harassment, and sexual assault—with an emphasis on the workplace environment and life on college campuses—be included in sex education classes.



Michigan On December 31, 2018, the Michigan Governor signed into law, SB 0601 of 2017 (now [PA 618 of 2018](#)). The bill added \$319,900 in funding to support the HIV/STI prevention and sex education work. Over the past 30 years, the Michigan Department of Education (MDE) has led this work with funding from the Centers for Disease Control and Prevention, Division of Adolescent and School Health (CDC/DASH). However, as of 2018, states are no longer able to apply for these funds. Through this bill, the state has appropriated the exact funding, formerly awarded by DASH, to MDE.

Missouri enacted [HB 1606](#), introduced by Rep. Elaine Gannon (R-115). The [final bill](#), passed on July 13th, requires materials and instruction relating to human sexuality and sexually transmitted infections to contain information about sexual harassment, sexual violence, and consent. The original language passed in HB 1606 was introduced as [HB 2234](#) by Rep. Holly Rehder (R-148).





New Jersey enacted [A 2189](#), introduced by Assemblywoman Pamela Lampitt (D-6). Enrolled as [Ch. 80](#) on August 10th, the law requires schools to include instruction on the consequences of distributing sexually explicit images through electronic means once during middle school as part of sex education classes.

Rhode Island [H 7044](#) was introduced by Rep. Joseph Solomon Jr. (D-22) and was enrolled as [Ch. 116](#) on July 2nd. The legislation allows sex education instruction to include information on the law and meaning of consent as well as instruction to teach students that consent is required before engaging in sexual activity.



RESULTS AND IMPACT OF THE 2018 MIDTERM ELECTIONS

The [2018 midterm elections](#) were historic. 102 women now serve in Congress—the highest percentage in U.S. history. New Yorkers elected the youngest-ever Congresswoman. Voters in Massachusetts and Connecticut elected the first black women to represent their states in Congress. The first two Native American women and the first two Muslim women were also elected. Ultimately, the 2018 midterm elections resulted in the creation of a historically diverse body of Congress—one that better represents its constituents than any Congress prior.

However, this type of progress was not limited to the federal government. At the state level, seven gubernatorial seats previously held by anti-abortion governors were won by pro-choice candidates—paving the way for the advancement of reproductive rights in those states. In state legislatures, pro-choice candidates won a majority in six state legislative chambers that were previously controlled by anti-abortion majorities. This means that pro-choice legislators now have a majority in 37 legislative chambers, while anti-abortion legislators control 62. Furthermore, four states where anti-abortion officials held control of the governorship and both legislative chambers were dismantled by voters and several states elected pro-choice officials to win majorities in both legislative chambers and the governorship.

These gains made by pro-choice officials at the state level have the potential to significantly impact future sex education policy. State legislation is critical in shaping and, too often, limiting the quality of sex education across the country. State legislators and governors have the power to introduce, pass, and sign state legislation that affects the quality of sex education young people receive.

Unfortunately, young people are often left out of conversations surrounding the right to bodily autonomy and, specifically, the right to [access safe and legal abortion](#). When young people are excluded from these conversations, they are denied the opportunity to understand that they, too, have reproductive rights and options. Sex education is vital for addressing this issue:

- Sex education often serves as young people's first critical touch point for information regarding pregnancy options including parenting, adoption, and abortion.
- Utilizing sex education to accurately teach young people about abortion helps decrease the spread of false information and facilitates open and unbiased discussions that work to reduce the stigma affecting access to abortion care.
- Sex education clarifies myths about abortion, provides fact-based information about what abortion is (and is not), and covers where and how to access abortion care.
- Without sex education, young people are more likely to turn to the unreliable information on the internet or crisis pregnancy centers (whose main purpose is to discourage and prevent abortion care) for answers.

Unfortunately, multiple states also passed ballot measures attacking voting rights and abortion access. In particular, voters in both Alabama and West Virginia passed ballot measures to amend their state constitutions to explicitly remove protections surrounding the right to abortion and/or state funding for abortion. Coupled with the new anti-abortion majority on the Supreme Court, these activities will likely incite anti-abortion activists to pursue additional restrictions on reproductive health at the federal level and try to bring legal challenges to *Roe vs. Wade* before the Supreme Court. While progress was certainly made, efforts to maintain and improve both reproductive health and sex education must continue vigilantly. If nothing else, these midterm election results reinforced the need to amplify the importance of advancing sexual and reproductive health information, education, and services at every level of state decision-making.

LOOKING AHEAD: 2019 STATE LEGISLATIVE CALENDAR

Forty-six state legislatures hold regular sessions annually. The other four states—Montana, Nevada, North Dakota, and Texas—meet in odd-numbered years. Nine state legislatures have full-time legislators meaning that the legislature meets throughout the year. All other legislators are considered part-time as they only meet for a portion of the year. Below is the 2019 state legislative calendar.

STATE SESSION CHART

*DATE SUBJECT TO CHANGE	CONVENES	ADJOURNS
Alabama	3/5/19	6/18/19
Alaska	1/15/19	4/15/19
Arizona	1/7/19	4/27/19
Arkansas	1/14/19	3/19/19
California	1/7/19	10/30/19
Colorado	1/4/19	5/3/19
Connecticut	1/9/19	6/5/19
Delaware	1/8/19	6/30/19
District of Columbia	1/1/19	12/31/20
Florida	3/5/19	5/3/19
Georgia	1/14/19	3/29/19
Hawaii	1/16/19	5/2/19
Idaho	1/7/19	3/19/19
Illinois	1/9/19	5/31/19
Indiana	1/14/19	4/29/19
Iowa	1/14/19	5/3/19
Kansas	1/14/19	5/10/19*
Kentucky	1/8/19	3/29/19
Louisiana	4/8/19	6/6/19
Maine	12/5/18	6/19/19
Maryland	1/9/19	4/8/19
Massachusetts	1/2/19	12/31/19
Michigan	1/9/19	12/31/20
Minnesota	1/8/19	4/7/19
Mississippi	1/8/19	4/7/19
Missouri	1/9/19	5/17/19

*DATE SUBJECT TO CHANGE	CONVENES	ADJOURNS
Montana	1/7/19	5/1/20
Nebraska	1/9/19	6/5/20
Nevada	2/4/19	6/3/19
New Hampshire	1/2/19	6/30/19
New Jersey	1/8/18	1/14/20
New Mexico	1/15/19	3/16/19
New York	1/9/19	6/30/19
North Carolina	1/30/19	12/31/20
North Dakota	1/3/19	4/26/19
Ohio	1/7/19	12/31/20
Oklahoma	2/4/19	5/31/19
Oregon	1/22/19	6/30/19
Pennsylvania	1/1/19	11/30/20
Puerto Rico	1/14/19	11/19/19
Rhode Island	1/1/19	6/15/19
South Carolina	1/8/19	5/9/19
South Dakota	1/8/19	3/29/19
Tennessee	1/8/19	4/26/16
Texas	1/8/19	5/27/19
Utah	1/28/19	3/14/19
Vermont	1/9/19	5/10/19
Virginia	1/9/19	2/23/19
Washington	1/14/19	4/28/19
West Virginia	1/9/19	3/9/19
Wisconsin	1/7/19	01/04/20
Wyoming	1/8/19	3/5/19

STATE LEGISLATION TO WATCH IN 2019


Each state legislative cycle, SIECUS tracks a wide range of bills that have the potential to advance or restrict sex education and/or access to sexual and reproductive health services for young people in the U.S. Topics for these bills include, but are not limited to: parental notification, LGBTQ rights, sex education, access to abortion, consent, and sexual abuse, violence, and prevention.

Prior to the start of the 2019 state legislative session, SIECUS identified over 15 states that had the potential to significantly advance or restrict young people's access to comprehensive sexuality education and related services. While not an exhaustive list of the bills being tracked, the following exemplify state-level legislative trends being introduced in the 2019 session:

HEALTHY YOUTH ACT LEGISLATION

Several states are following North Carolina, Oregon, and California with attempts to pass their version of the Healthy Youth Act. This legislation requires school-based comprehensive sexuality education. Generally, these bills focus on high-quality education that is science-based, medically accurate and complete, and age-, developmentally, and culturally appropriate. This sequential K-12 education provides sexual health information to address the physical, mental, emotional, and social dimensions of human sexuality for all young people. The Healthy Youth Act stresses the importance of incorporating trained educators and includes information and skill development focused on a range of topics, including:

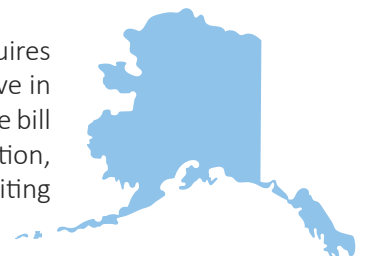
- human development;
- sexual orientation, gender identity, and gender expression;
- relationships (including families, peers, romantic relationships and dating);
- personal skills (including communication, negotiation, personal safety, consent, and decision-making);
- sexual behavior (including abstinence and sexuality throughout life);
- sexual health (STIs, contraception, and pregnancy); and
- society and culture.



Colorado HB1032 clarifies content requirements for public schools that offer comprehensive human sexuality education and prohibits: instruction from explicitly or implicitly teaching or endorsing religious ideology or sectarian tenets or doctrines, using shame-based or stigmatizing language or instructional tools, employing gender norms or gender stereotypes, and excluding the relational or sexual experiences of lesbian, gay, bisexual, or transgender individuals. The bill also clarifies that instruction must include consent and federal funds may be utilized to implement comprehensive sexuality education that adheres to these requirements.

CLASSROOM CONTENT/ INSTRUCTION

Alaska HB 7 introduced by Representative Rauscher is a harmful bill which requires teaching students that life begins at conception and that abstinence is effective in preventing the emotional trauma associated with adolescent sexual activity. The bill also prohibits teaching about homosexuality, gender expression, or contraception, and emphasizes the denouncement of sexual activity outside of marriage—citing that this can result in students dropping out of high school.





Virginia HB1693 requires any high school family life education curriculum offered by a local school division to include—at least four times during grades 11 and 12—instruction for students with intellectual or developmental disabilities on a variety of topics including: social skills, self-esteem, sexuality, rights, and responsibilities.

PARENT/GUARDIAN NOTIFICATION

As parents and families can play a critical role in the sex education of young people, legislation seeking to encourage parent engagement can be beneficial to strengthening the quality of instruction. It is when the notification processes themselves become barriers to students' ability to receive quality sex education that concerns arise. Beyond usual language specifying whether parents or legal guardians must "[opt](#)" [their child into or out](#) of instruction, variations of these provisions are listed below:



Oklahoma SB50 requires public schools to give both students and their parents a minimum of one "parent-child communication training" per year from grades 6-12. The training focuses on giving parents the ability to have well-formed, factually based, medically accurate, and body-positive communication with their children. Topics include: pregnancy prevention, abstinence, STI/STD prevention, and safe and healthy relationships. School districts are encouraged to work with community-based organizations (CBOs) to provide and/or facilitate these trainings. If passed, the bill would take effect July 1, 2019.

Virginia HB 2570 is a **regressive** bill, commonly referred to as an "opt-in" policy, that mandates *"no student shall participate in any family life education program without the prior written consent of his parent."* Under an opt-in policy, teachers need written permission from a parent/guardian before students are allowed to attend a sex education class. Opt-in policies create unnecessary hurdles that ultimately prevent students from accessing the sex education they have a right to receive. These policies are designed to make accessing sex education in schools more difficult, overlooking the fact that parents/guardians have a say under both opt-in and opt-out policies.



ABORTION

Abortion ban measures passed in both Alabama and West Virginia during the 2018 midterm elections. The bans, amend their state constitutions to explicitly remove protections surrounding the right to abortion and/or state funding for abortion. These bans are intended to make access to safe and legal abortion more difficult for young people—including low income individuals and communities of color—who already face substantial barriers to abortion care such as cost, transportation, parental notification requirements, and more.

In 2019, we anticipate that more states will take action to either advance or restrict access to safe and legal abortion.



Missouri SB 216 requires all organizations that provide pregnancy-related services or counseling, in order to receive state funding, to provide medically accurate and unbiased information on all relevant reproductive health options including, but not limited to, information about birth control, pregnancy, abortion, adoption, labor and delivery, and postpartum care. This bill is intended to combat the rise of Crisis Pregnancy Centers which are known to intentionally misinform people about their reproductive health care options and shame women from seeking an abortion.

Utah HB 136 is a **harmful** bill that would prohibit abortions after 15 weeks of gestation—making it one of the most restrictive in the nation. Utah’s existing law allows abortions up until a fetus is viable outside the womb, or well into the second trimester. If HB136, passes, it would almost certainly face legal challenges.



Vermont SB 25 would ensure that abortion remains a safe and legal procedure within the state even if the landmark U.S. Supreme Court case *Roe v. Wade* were to be overturned. The outcome of *Roe v. Wade* recognized the legal right to have an abortion under the Fourteenth amendment of the U.S. Constitution. With recent changes to the makeup of the U.S. Supreme Court, many advocates have been preparing for potential changes to *Roe v. Wade*. However, this bill would protect Vermonters—allowing them continued access to safe and legal abortion regardless of any Supreme Court decision.

LGBTQ RIGHTS

Increasingly, states are looking to take action to protect the rights of Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) identifying individuals. SIECUS supports policies that advance the rights of LGBTQ youth—including those that promote LGBTQ-inclusive sex education curriculum that present medically accurate, stigma and shame-free, affirming sexual and reproductive health information for young people of all identities.



New York SB 1047, the Gender Expression Non-Discrimination Act (GENDA), passed on January 15, 2019. GENDA protects against discrimination based on gender identity and expression. GENDA’s amendments also clarify that offenses related to gender identity and/or expression will now be classified as hate crimes in the New York state penal law.

2019 STATE ADVOCACY TOOLS

Starting in January 2019, 30 states and US territories will begin their state legislative sessions, opening up new opportunities for sex education advocates to advance the conversation around the importance of sex education policies that will positively impact society, particularly on issues of gender equity, sexuality, sexual and reproductive health, consent, personal safety, and autonomy. Given this incredible but brief opportunity, SIECUS encourages advocates to take action—as soon as possible. Below, please review SIECUS’ suggested tools to advance the sex education policies in your state or community:



COMMUNITY ACTION TOOLKIT

The [Community Action Toolkit \(CAT\)](#) gives advocates the tools needed to become knowledgeable about sex education, build support in states or communities, implement sound policies, and institute or defend effective sex education programs that support and affirm young people’s right to honest information.

The Toolkit is designed to serve as a resource for all advocates: students, parents, teachers, school administrators, health professionals, youth-serving professionals, policymakers, and concerned community members. This resource provides advocates with the tools needed to navigate existing policy landscapes and successfully advance sex education policies where the best opportunities exist – at the national, state, local, and district levels.

MODEL SEX EDUCATION LEGISLATION

In 2017, SIECUS, along with Planned Parenthood Federation of America, Advocates for Youth, and the American Civil Liberties Union, released the updated Sex Education Model Legislation. This model bill is intended to serve as a guide to amend and enhance state-level, school-based sex education statutes.

In addition to an introduction and appendix with additional materials to aide efforts, this updated iteration of the Sex Education Model Legislation includes proposed language related to:

- Legislative findings and intent;
- Sex Education requirements;
- Parental requests;
- Implementation of programs;
- Enforcement; and
- Definitions.

Please contact [Jennifer Driver](#), SIECUS’ State Policy Director, for more information regarding the Model Sex Education Legislation.

NATIONAL STANDARDS FOR SEX EDUCATION

For state advocates who are working to improve existing sex education curricula in their schools, the Future of Sex Education (FoSE) Initiative - a partnership between Advocates for Youth, Answer, and SIECUS - worked with the American Association of Health Education, the American School Health

Association, the National Education Association, and the Society of State Leaders of Health and Physical Education to develop the [National Sexuality Education Standards: Core Content and Skills](#), K–12. The goal of the National Sexuality Education Standards is to provide clear, consistent and straightforward guidance on the essential minimum, core content for sex education that is developmentally and age-appropriate for students in grades K–12.

Specifically, the National Sexuality Education Standards were developed to address the inconsistent implementation of sex education nationwide and the limited time allocated to teaching the topic. This is a vital resource for school boards, school administrators, and educators seeking to improve the content of their sex education curricula to better meet the needs of their students.

PROFESSIONAL LEARNING STANDARDS FOR SEX EDUCATION

In spring 2017, 14 national and state-based organizations that provide teacher training in sex education came together to identify strategies to improve the implementation of sex education in our nation's schools. After two days of intensive dialogue, the groups agreed to create the **Sex Education Collaborative (SEC)**. The group recognized that teacher training in sex education over the past ten years has focused strongly on the implementation of individual curricula and that many tasked with teaching this subject have not been given the opportunity to learn and practice the overall skills needed to effectively implement sex education in a classroom.

To address these needs, the SEC began drafting the ***Professional Learning Standards for Sex Education*** (PLSSE).

The goal of these standards is to provide guidance to school administrators and classroom educators about the content, skills, and professional disposition needed to implement sex education effectively. The PLSSE can also help educators stay up-to-date on content and teaching methods as both information related to sex and research on best practices frequently change.

Please contact [Jennifer Driver](#), SIECUS' State Policy Director, for more information regarding the ***Professional Learning Standards for Sex Education*** (PLSSE).

OTHER SEX EDUCATION RESOURCES AND FACTSHEETS

Other sex education advocacy and public education materials include the following resources:

- [On Our Side: Public Support for Sex Education](#) – a factsheet on the growing public support for sex education--regardless of political affiliation, religion, and/or regional demographics.
- [AMAZE](#) – an online resource that harnesses the power of digital media to provide children, adolescents, their parents, and educators with medically accurate, affirming, and honest sexual health information along with free, engaging resources that can be accessed anytime, anywhere – regardless of where they live or what school they attend.

TECHNICAL ASSISTANCE

SIECUS' policy team is uniquely positioned to offer technical assistance for all types of policy activity and engagement at all levels of government—federal, state, and local. Looking for assistance? [Contact us!](#)

CONCLUSION

Many of the provisions referenced throughout this guide—even those seeking to advance the quality of sex education—may not yet meet the standard for the information and education our nation’s young people need and deserve to lead healthy lives.

It is encouraging, however, that there is demonstrated motivation across the country to strive toward this goal. As we continue into this year’s state legislative sessions, we must remain vigilant in both promoting policies that advance the sexual health and rights of young people and blocking those that directly oppose these efforts.

For additional assistance with advancing sex education in your community during the 2019 legislative session, please contact the team at SIECUS by emailing info@siecus.org.