

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2581

By: McDaniel (Jeannie)

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,  
8 Section 11-105.1, which relates to sex education;  
9 creating the Healthy Students Act of 2012; defining  
10 terms; providing for interpretation; requiring each  
11 board of education to provide health instruction in  
12 certain grades; requiring each board of education to  
13 ensure that staff development program is offered to  
14 certain teachers; requiring State Department of  
15 Education to make available certain research studies  
16 for use in educating students; requiring each board  
17 of education to provide certain materials and  
18 resource list to parents; encouraging each board of  
19 education to work with communities to provide parent  
20 education sessions; requiring all materials or tests  
21 used for sex education class be made available  
22 annually to parents; requiring each school district  
23 to provide certain information upon request by an  
24 agency or organization; requiring that primary  
purpose of certain curriculum is to inform students  
that abstinence is only completely effective  
protection against unintended pregnancy and sexually  
transmitted diseases; requiring board of education to  
approve sex education curriculum; requiring board of  
education to ensure materials are medically accurate  
and age-appropriate; establishing minimum criteria  
for board of education to consider in approving  
certain materials; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 70 O.S. 2011, Section 11-105.1, is  
2 amended to read as follows:

3 Section 11-105.1 A. This section shall be known and may be  
4 cited as the "Healthy Students Act of 2012".

5 B. For the purposes of the Healthy Students Act of 2012:

6 1. "Age-appropriate" means topics, messages and teaching  
7 methods suitable to particular ages or age groups of children and  
8 adolescents, based on developing cognitive emotional and behavioral  
9 capacity typical for the age or age group; and

10 2. "Medically accurate" means curricula and materials that are:

11 a. relevant to informed decision-making based on the  
12 weight of scientific evidence,

13 b. consistent with generally recognized scientific  
14 theory,

15 c. conducted under accepted scientific methods,

16 d. published in peer-reviewed journals,

17 e. recognized as accurate, objective and complete by:

18 (1) professional medical organizations, such as the  
19 American Medical Association, the American  
20 College of Obstetrics and Gynecology, the  
21 American Public Health Association, the National  
22 Association of School Nurses and the American  
23 Academy of Pediatrics,

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1           (2) governmental agencies, such as the Centers for  
2           Disease Control and Prevention, the U.S. Food and  
3           Drug Administration, and the National Institutes  
4           of Health, and

5           (3) scientific advisory groups, such as the Institute  
6           of Medicine and the Advisory Committee on  
7           Immunization Practices, and

8           f. free of racial, ethnic and gender biases.

9           C. For purposes of subsection B of this section, the deliberate  
10          withholding of information that is needed to protect life and health  
11          and that is therefore relevant to informed decision-making shall not  
12          be considered medically accurate.

13          D. Each board of education shall provide medically accurate and  
14          age-appropriate instruction in grades one through twelve in health  
15          including instruction regarding human growth and development, sexual  
16          health, self-esteem, stress management, interpersonal relationships,  
17          domestic abuse prevention, sexually transmitted diseases (STD),  
18          including human papilloma virus (HPV), human immunodeficiency virus  
19          (HIV) and acquired immune deficiency syndrome (AIDS).

20          E. Each board of education shall ensure that the school  
21          district periodically offers a staff development program for  
22          teachers who provide instruction in curriculum pertaining to the  
23          Healthy Students Act of 2012.

1       F. The State Department of Education shall make available  
2 medically accurate research studies in the area of health and  
3 wellness literacy. The content shall include but not be limited to  
4 research on instructional materials and teaching strategies that  
5 have proven effective in teaching students the knowledge and skills  
6 included in the Healthy Students Act of 2012. This information  
7 shall be used by school districts in educating students in  
8 accordance with the Healthy Students Act of 2012.

9       G. Each board of education shall provide medically accurate and  
10 age-appropriate materials and a list of community and web-based  
11 resources to parents at registration and shall also include the  
12 materials and resource list in the student handbook. Each board of  
13 education is encouraged to work with their communities to provide  
14 voluntary parent education sessions to provide parents with the  
15 skills and appropriate strategies to teach their children as  
16 described in the Healthy Students Act of 2012.

17       H. All curriculum and materials including supplementary  
18 materials which will be used to teach or will be used for or in  
19 connection with a sex education class or program which is designed  
20 for the exclusive purpose of discussing sexual behavior or  
21 attitudes, or any test, survey or questionnaire whose primary  
22 purpose is to elicit responses on sexual behavior or attitudes shall  
23 be made available annually through the superintendent or a designee  
24 of the school district for inspection by parents and guardians of

1 the student who will be involved with the class, program or test,  
2 survey or questionnaire. Each school district shall, upon request  
3 by any agency or organization, provide information about such  
4 curriculum and materials used in each grade level and the procedure  
5 for inspecting and updating the instructional materials. Such  
6 curriculum, materials, classes, programs, tests, surveys or  
7 questionnaires shall have as one of its primary purposes the  
8 teaching of or informing students about the practice of abstinence  
9 from sexual intercourse as the only completely effective protection  
10 against unintended pregnancy and sexually transmitted diseases  
11 including HIV and AIDS when transmitted sexually, while not ignoring  
12 students who are or have been sexually active. The superintendent  
13 or a designee of the school district shall provide prior written  
14 notification to the parents or guardians of the students involved of  
15 their right to inspect the curriculum and material and of their  
16 obligation to notify the school in writing if they do not want their  
17 child to participate in the class, program, test, survey or  
18 questionnaire. Each local board of education shall determine the  
19 means of providing written notification to the parents and guardian  
20 which will ensure effective notice in an efficient and appropriate  
21 manner. No student shall be required to participate in a sex  
22 education class or program which discusses sexual behavior or  
23 attitudes if a parent or guardian of the student objects in writing  
24 to such participation. If the type of program referred to in this

1 section is a part of or is taught during a credit course, a student  
2 may be required to enroll in the course but shall not be required to  
3 receive instruction in or participate in the program if a parent or  
4 guardian objects in writing.

5 ~~B. I. The superintendent or a designee~~ board of education of a  
6 school district in which sex education is taught ~~or a program is~~  
7 ~~offered which is designed for the exclusive purpose of discussing~~  
8 ~~sexual behavior or attitudes~~ shall approve all curriculum and  
9 materials which will be used for such education and any test, survey  
10 or questionnaire whose primary purpose is to elicit responses on  
11 sexual behavior or attitudes used in the school prior to their use  
12 in the classroom or school. The teacher involved in the class,  
13 program, testing or survey shall submit the curriculum, materials,  
14 tests or surveys to the superintendent or a designee for approval by  
15 the board of education prior to their use in the classroom or  
16 school. ~~This section shall not apply to those students enrolled in~~  
17 ~~classes, programs, testings or surveys offered through an~~  
18 ~~alternative education program.~~

19 J. In approving curricula, materials, tests, surveys and  
20 questionnaires, the board of education shall ensure that all items  
21 are medically accurate and age-appropriate. In addition, the board  
22 of education shall ensure that at a minimum such curricula,  
23 materials, tests, surveys or questionnaires:  
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- 1        1. For use in grades one through six, include the  
2 characteristics of communicable diseases including AIDS;
- 3        2. For use in grades seven through twelve, include the  
4 prevention and control of disease, including information regarding  
5 sexually transmitted diseases, HPV and the availability of its  
6 vaccine, and AIDS;
- 7        3. For use in grades nine through twelve, include accurate  
8 information about the health benefits and side effects of all  
9 contraceptives and barrier methods used as a means to prevent  
10 pregnancy and to reduce the risk of contracting sexually transmitted  
11 diseases;
- 12        4. Encourage family communication between parent and child  
13 about sexual health;
- 14        5. Teach students the skills to make responsible decisions  
15 about sexual health, including how to avoid and effectively reject  
16 unwanted verbal, physical, and sexual advances and how to avoid  
17 making verbal, physical, and sexual advances that are not wanted by  
18 the other party;
- 19        6. Teach students psychologically sound methods of resisting  
20 unwanted peer pressure;
- 21        7. Teach students about the dangers of sexual exploitation by  
22 means of the Internet including specific strategies to help students  
23 protect themselves and their personally identifiable information  
24 from such exploitation;

1       8. Explore the components of healthy relationships, including  
2 the prevention of dating and sexual violence;

3       9. Provide information concerning the laws prohibiting sexual  
4 abuse, the need to report such abuse and the counseling, medical and  
5 legal resources available to survivors of sexual abuse and sexual  
6 assault;

7       10. Teach students how alcohol and drug use can affect  
8 responsible decision-making; and

9       11. Provide comprehensive instruction in parenting skills and  
10 responsibilities, including the responsibility to pay child support  
11 by noncustodial parents, the penalties for nonpayment of child  
12 support, and the legal and ethical responsibilities of child care  
13 and child rearing.

14       SECTION 2. This act shall become effective November 1, 2012.

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