

1 AN ACT relating to health education.

2 WHEREAS, effective comprehensive sex education programs offer holistic
3 instruction designed to improve students' physical, mental, emotional, social, and
4 behavioral well-being; and

5 WHEREAS, it is a critical responsibility of this Commonwealth to promote the
6 well-being of Kentucky students;

7 NOW, THEREFORE,

8 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

9 ➔SECTION 1. KRS 158.1415 IS REPEALED AND REENACTED TO READ
10 AS FOLLOWS:

11 *(1) As used in this section, unless the context requires otherwise:*

12 *(a) "Age and developmentally appropriate" means topics, messages, and*
13 *teaching methods suitable for children of a particular age, age group, or*
14 *developmental level based on cognitive, emotional, social, and behavioral*
15 *capacity of most students at that age level;*

16 *(b) "Characteristics of effective programs" means the aspects of evidence-*
17 *based programs, including development, content, and implementation of*
18 *such programs, that:*

19 *1. Have been shown to be effective in terms of increasing knowledge,*
20 *clarifying values and attitudes, increasing skills, and impacting*
21 *behavior; and*

22 *2. Are widely recognized by leading medical and public health agencies*
23 *to be effective in changing sexual behaviors that lead to sexually*
24 *transmitted infections, including human immunodeficiency virus*
25 *infection and acquired immune deficiency syndrome, unintended*
26 *pregnancy, and dating violence and sexual assault among young*
27 *people;*

1 (c) "Comprehensive sex education" means instruction as part of a
2 comprehensive school health education approach which addresses the
3 physical, mental, emotional, and social dimensions of human sexuality and
4 that is designed to:

5 1. Motivate and assist students to maintain and improve their sexual
6 health, prevent disease, and reduce sexual health-related risk
7 behaviors; and

8 2. Enable and empower students to develop and demonstrate
9 developmentally appropriate sexuality and sexual health-related
10 knowledge, attitudes, skills, and practices;

11 (d) "Consent" means affirmative, conscious, and voluntary agreement to
12 engage in interpersonal, physical, or sexual activity;

13 (e) "Culturally appropriate" means materials and instruction that respond to
14 culturally diverse individuals, families and communities in an inclusive,
15 respectful and effective manner and includes materials and instruction that
16 are inclusive of race, ethnicity, languages, cultural background, religion,
17 gender, gender identity, sexual orientation, and different abilities;

18 (f) "Department" means the Kentucky Department of Education;

19 (g) "Gender expression" means the expression of one's gender, including
20 expression through behavior, clothing, hair, or voice, and which may or
21 may not conform to socially defined behaviors and characteristics typically
22 associated with being either masculine or feminine;

23 (h) "Gender identity" means the gender-related identity, appearance,
24 mannerisms, or other gender-related characteristics of an individual,
25 regardless of the individual's designated sex at birth and shall include a
26 person's deeply held sense or knowledge of their own gender as male,
27 female, both, or neither;

- 1 (i) "Inclusive" means curriculum that ensures that students from historically
2 marginalized communities see themselves reflected in classroom materials
3 and lessons, including but not limited to communities of color, immigrant,
4 lesbian, gay, bisexual, and transgender communities, people with
5 disabilities, and others whose experiences have been traditionally left out of
6 sex education programs and policies;
- 7 (j) "Medically accurate and complete" means a program of instruction that
8 contains information that:
- 9 1. Has been verified or supported by the weight of research conducted in
10 compliance with accepted scientific methods and is published in peer-
11 reviewed journals;
- 12 2. Leading professional public health or medical organizations,
13 government agencies, and scientific advisory groups with relevant
14 expertise in the field recognize as accurate, objective, and complete;
15 and
- 16 3. Does not withhold information about external anatomy involved in
17 sexual functioning or the effectiveness and benefits of correct and
18 consistent use of condoms and other contraceptives;
- 19 (k) "Sexual development" means the lifelong process of physical, behavioral,
20 cognitive, and emotional growth and change as it relates to an individual's
21 sexuality and sexual maturation, including puberty, identity development,
22 socio-cultural influences, and sexual behaviors;
- 23 (l) "Sexual orientation" means an individual's physical, emotional, or sexual
24 attraction to the members of a specific gender and includes homosexuality,
25 heterosexuality, bisexuality, and asexuality; and
- 26 (m) "Trauma-informed" means addressing vital information about sexuality
27 and well-being that takes into consideration adverse life experiences and

1 their potential influence on sexual decision-making.

2 (2) Beginning in the 2021-2022 school year, each school district shall provide
3 comprehensive sex education to all public school students in kindergarten
4 through grade twelve (12).

5 (3) The comprehensive sex education required by subsection (2) of this section shall
6 include instruction that is age, developmentally, and culturally appropriate on:

7 (a) The physical, social, and emotional changes of human development;

8 (b) Human anatomy, reproduction, and sexual development;

9 (c) Healthy relationships based on mutual respect, including:

10 1. Distinguishing between healthy and unhealthy relationships,
11 including friendships and relationships within families;

12 2. Developing effective communication, negotiation and refusal skills,
13 including the skills to recognize and report inappropriate or abusive
14 sexual behavior;

15 3. Understanding bodily autonomy, setting and respecting personal
16 boundaries, practicing personal safety, and consent;

17 4. Examining the harm of gender-role stereotypes, violence, coercion,
18 bullying, and intimidation in relationships; and

19 5. Exploring the way that gender stereotypes can limit all people;

20 (d) Healthy decision-making skills about sexuality and all relationships,
21 including but not limited to:

22 1. Critical thinking, problem solving, self-efficacy, and decision-making;

23 2. Exploring individual values and attitudes;

24 3. Promoting positive body image among students, developing an
25 understanding that there is a range of body types, and feeling positive
26 about students' own body types;

27 4. How to respect others and stay safe on the Internet and when using

- 1 other forms of digital communication;
- 2 5. Information on local services and resources where students can obtain
- 3 additional information related to bullying, dating violence and sexual
- 4 assault, suicide prevention, and other related care;
- 5 6. Encouraging youth to communicate with their parents or guardians,
- 6 faith, health and social service professionals, and other trusted adults
- 7 about sexuality and intimate relationships;
- 8 7. Creating a safe environment for all students and others in society; and
- 9 8. Examples of varying types of relationships, couples, and family
- 10 structures. Discussion of healthy relationships must include
- 11 affirmative representation of lesbian, gay, bisexual, and transgender
- 12 individuals, relationships, and families;
- 13 (e) The benefits of abstinence;
- 14 (f) The use of condoms, medication, and birth control and sexually transmitted
- 15 infection prevention measures and the options for pregnancy, including:
- 16 1. The importance of effectively using condoms and preventive
- 17 medication to protect against sexually transmitted infections,
- 18 including human immunodeficiency virus infection and acquired
- 19 immune deficiency syndrome;
- 20 2. The benefits of effective contraceptives, including condoms, in
- 21 avoiding unintended pregnancy;
- 22 3. The relationship between substance use and sexual health and
- 23 behaviors; and
- 24 4. Information about local health services where students can obtain
- 25 additional information and services related to sexual and reproductive
- 26 health and other related care;
- 27 (g) Affirmative recognition of the roles that traditions, values, religion, norms,

1 gender roles, acculturation, family structure, health beliefs, and political
2 power play in how students make decisions that affect their sexual health.
3 Such instruction shall include examples of varying races, ethnicities,
4 cultures, and families, including single-parent households and young
5 families;

6 (h) Age appropriate information about gender identity and sexual orientation
7 for all students, including:

8 1. Affirmative recognition that people have different sexual orientations,
9 gender identities, and gender expressions; and

10 2. Referrals to community resources that can provide additional support
11 for lesbian, gay, bisexual, and transgender students; and

12 (i) Opportunities to explore the roles that race, ethnicity, immigration status,
13 disability status, economic status, and language within different
14 communities play in how students make decisions that affect their sexual
15 health.

16 (4) The comprehensive sex education required by subsection (2) of this section shall
17 implement curricula and instructional materials that:

18 (a) Reflect the characteristics of effective programs;

19 (b) Are aligned with the requirements set forth in subsection (3) of this section;

20 (c) Are inclusive of the experiences and needs of all youth in the school and do
21 not discriminate on the basis of sex, race, ethnicity, national origin,
22 disability, religion, gender expression, gender identity, or sexual
23 orientation;

24 (d) Are accessible to all pupils, including pupils with disabilities, through the
25 use of modified curriculum, materials and instruction in alternative
26 formats, auxiliary aids, or any other appropriate accommodation when
27 necessary to effectuate the purpose of delivering comprehensive sex

1 education to every student; and

2 (e) Are trauma-informed.

3 (5) A school or school district shall not restrict the ability of an instructor to answer
4 a question initiated by a student that is related to and consistent with this section.

5 (6) (a) A school shall:

6 1. Make the curricula and instructional materials for comprehensive sex
7 education instruction offered pursuant to subsection (2) of this section
8 available upon the request of a parent or guardian;

9 2. Establish a procedure for a parent or legal guardian to submit a
10 signed statement to excuse a student from the instruction required by
11 subsection (2) of this section without disciplinary, academic, or any
12 other type of penalty to the student; and

13 3. Adopt a policy prohibiting a student from being excused from the
14 instruction required by subsection (2) of this section without a signed
15 statement submitted by a parent or guardian pursuant to a policy
16 established in accordance with paragraph (b) of this subsection; and

17 (b) In the event of a parent or guardian submitting a signed statement to excuse
18 a student from the instruction required by subsection (2) of this section a
19 school is encouraged to provide that student an alternate assignment on a
20 related topic during the instructional time.

21 (7) The Kentucky Board of Education shall promulgate any administrative
22 regulations necessary to implement, administer, and enforce the provisions of
23 this section, including but not limited to administrative regulations:

24 (a) Establishing academic standards for comprehensive sex education that are
25 consistent with this section;

26 (b) Establishing minimum education and training qualifications for
27 comprehensive sex education instructors; and

- 1 (c) Requiring that each school district submit a report biennially to the
2 department that identifies:
- 3 1. The curricula used by the school district to provide comprehensive sex
4 education instruction;
- 5 2. The number of students that:
- 6 a. Participated in comprehensive sex education instruction; and
7 b. Were excused from comprehensive sex education instruction;
8 and
- 9 3. The duration of comprehensive sex education instruction in each
10 grade level.
- 11 (8) The department shall maintain a list of recommended comprehensive sex
12 education curricula, instructional materials, and other resources that are
13 consistent with this section.
- 14 (9) The requirements of this section shall apply to public charter schools as a health
15 and safety requirement under KRS 160.1592(1).
- 16 (10) A parent or guardian with a child enrolled in a public school that fails to comply
17 with the requirements of this section may file a Circuit Court action to enforce
18 the provisions of this section within one (1) year from the date of the last school
19 day of the academic year.

20 ➔Section 2. This Act may be cited as the Education for Healthy Youth Act.