

1 AN ACT relating to health education.

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

3 ➔SECTION 1. KRS 158.1415 IS REPEALED AND REENACTED TO READ
4 AS FOLLOWS:

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

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

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

13 *1. Have been shown to be effective in terms of increasing knowledge,*
14 *clarifying values and attitudes, increasing skills, and impacting*
15 *behavior; and*

16 *2. Are widely recognized by leading medical and public health agencies*
17 *to be effective in changing behaviors that lead to sexually transmitted*
18 *infections, unintended pregnancy, and dating violence and sexual*
19 *assault among young people;*

20 *(c) "Healthy relationship instruction" means instruction as part of a*
21 *comprehensive school health education approach which addresses the*
22 *physical, mental, emotional, and social dimensions of human relationships*
23 *and that is designed to:*

24 *1. Motivate and assist students to maintain and improve healthy*
25 *relationships, prevent disease, and reduce sexual health-related risk*
26 *behaviors; and*

27 *2. Enable and empower students to develop and demonstrate*

1 developmentally appropriate relationships;

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

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

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

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

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

19 (i) "Inclusive" means curriculum that ensures that students from historically
20 marginalized communities see themselves reflected in classroom materials
21 and lessons, including but not limited to communities of color; immigrant;
22 lesbian, gay, bisexual, and transgender communities; people with
23 disabilities; and others whose experiences have been traditionally left out of
24 health education programs and policies;

25 (j) "Medically accurate and complete" means a program of instruction that
26 contains information that:

27 1. Has been verified or supported by the weight of research conducted in

- 1 compliance with accepted scientific methods and is published in peer-
2 reviewed journals;
- 3 2. Leading professional public health or medical organizations,
4 government agencies, and scientific advisory groups with relevant
5 expertise in the field recognize as accurate, objective, and complete;
6 and
- 7 3. Does not withhold information about external anatomy involved in
8 sexual functioning or the effectiveness and benefits of correct and
9 consistent use of condoms and other contraceptives;
- 10 (k) "Human development" means the lifelong process of physical, behavioral,
11 cognitive, and emotional growth;
- 12 (l) "Sexual orientation" means an individual's physical, emotional, or sexual
13 attraction to the members of a specific gender and includes homosexuality,
14 heterosexuality, bisexuality, and asexuality; and
- 15 (m) "Trauma-informed" means addressing vital information about sexuality
16 and well-being that takes into consideration adverse life experiences and
17 their potential influence on sexual decision-making.
- 18 (2) Beginning in the 2023-2024 school year, each school district shall provide
19 healthy relationship instruction to all public school students in kindergarten
20 through grade twelve (12).
- 21 (3) The healthy relationship instruction required by subsection (2) of this section
22 shall include instruction that is age, developmentally, and culturally appropriate
23 on:
- 24 (a) The physical, social, and emotional changes of human development;
25 (b) Human anatomy, reproduction, and human development;
26 (c) Healthy relationships based on mutual respect, including:
27 1. Distinguishing between healthy and unhealthy relationships,

- 1 including friendships and relationships within families;
- 2 2. Developing effective communication, negotiation, and refusal skills,
- 3 including the skills to recognize and report inappropriate or abusive
- 4 sexual behavior;
- 5 3. Understanding bodily autonomy, setting and respecting personal
- 6 boundaries, practicing personal safety, and consent;
- 7 4. Examining the harm of gender-role stereotypes, violence, coercion,
- 8 bullying, and intimidation in relationships; and
- 9 5. Exploring the way that gender stereotypes can limit all people;
- 10 (d) Healthy decision-making skills about intimacy and relationships, including
- 11 but not limited to:
- 12 1. Critical thinking, problem solving, self-efficacy, and decision-making;
- 13 2. Exploring individual values and attitudes;
- 14 3. Promoting positive body image among students, developing an
- 15 understanding that there is a range of body types, and feeling positive
- 16 about students' own body types;
- 17 4. How to respect others and stay safe on the Internet and when using
- 18 other forms of digital communication;
- 19 5. Information on local services and resources where students can obtain
- 20 additional information related to bullying, dating violence and sexual
- 21 assault, suicide prevention, and other related care;
- 22 6. Encouraging youth to communicate with their parents or guardians;
- 23 faith, health, and social service professionals; and other trusted adults
- 24 about healthy relationships;
- 25 7. Creating a safe environment for all students and others in society; and
- 26 8. Examples of varying types of relationships, couples, and family
- 27 structures. Discussion of healthy relationships shall include

1 affirmative representation of lesbian, gay, bisexual, and transgender
2 individuals, relationships, and families;

3 (e) The benefits of abstinence;

4 (f) The use of condoms, medication, and birth control and sexually transmitted
5 infection prevention measures and the options for pregnancy, including:

6 1. The importance of effectively using condoms and preventive
7 medication to protect against sexually transmitted infections,
8 including human immunodeficiency virus infection and acquired
9 immune deficiency syndrome;

10 2. The benefits of effective contraceptives, including condoms, in
11 avoiding unintended pregnancy;

12 3. The relationship between substance use and sexual health and
13 behaviors; and

14 4. Information about local health services where students can obtain
15 additional information and services related to sexual and reproductive
16 health and other related care;

17 (g) Affirmative recognition of the roles that traditions, values, religion, norms,
18 gender roles, acculturation, family structure, health beliefs, and political
19 power play in how students make decisions that affect their health. Such
20 instruction shall include examples of varying races, ethnicities, cultures,
21 and families, including single-parent households and young families;

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

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

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

1 (i) Opportunities to explore the roles that race, ethnicity, immigration status,
2 disability status, economic status, and language within different
3 communities play in how students make decisions that affect their health.

4 (4) The healthy relationship instruction required by subsection (2) of this section
5 shall implement curricula and instructional materials that:

6 (a) Reflect the characteristics of effective programs;

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

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

12 (d) Are accessible to all pupils, including pupils with disabilities, through the
13 use of modified curriculum, materials and instruction in alternative
14 formats, auxiliary aids, or any other appropriate accommodation when
15 necessary to effectuate the purpose of delivering healthy relationship
16 instruction to every student; and

17 (e) Are trauma-informed.

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

20 (6) (a) A school shall:

21 1. Make the curricula and instructional materials for healthy
22 relationship instruction offered pursuant to subsection (2) of this
23 section available upon the request of a parent or guardian;

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

- 1 3. Adopt a policy prohibiting a student from being excused from the
2 instruction required by subsection (2) of this section without a signed
3 statement submitted by a parent or guardian pursuant to a policy
4 established in accordance with paragraph (b) of this subsection; and
5 (b) In the event of a parent or guardian submitting a signed statement to excuse
6 a student from the instruction required by subsection (2) of this section, a
7 school is encouraged to provide that student an alternate assignment on a
8 related topic during the instructional time.
- 9 (7) The Kentucky Board of Education shall promulgate any administrative
10 regulations necessary to implement, administer, and enforce the provisions of
11 this section, including but not limited to administrative regulations:
- 12 (a) Establishing academic standards that are consistent with this section;
13 (b) Establishing minimum education and training qualifications for healthy
14 relationship instructors; and
15 (c) Requiring that each school district submit a report biennially to the
16 department that identifies:
- 17 1. The curricula used by the school district to provide healthy
18 relationship instruction;
19 2. The number of students that:
20 a. Participated in healthy relationship instruction; and
21 b. Were excused from healthy relationship instruction; and
22 3. The duration of healthy relationship instruction in each grade level.
- 23 (8) The department shall maintain a list of recommended healthy relationship
24 curricula, instructional materials, and other resources that are consistent with
25 this section.
- 26 (9) The requirements of this section shall apply to public charter schools as a health
27 and safety requirement under KRS 160.1592(1).

1 *(10) A parent or guardian with a child enrolled in a public school that fails to comply*
2 *with the requirements of this section may file a Circuit Court action to enforce*
3 *the provisions of this section within one (1) year from the date of the last school*
4 *day of the academic year.*

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