

1 AN ACT relating to rights in public schools.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO  
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "External health care provider" means a provider of health or mental  
7 health services that is not employed by or contracted with the school district  
8 to provide services to the district's students;

9 (b) "Health services" has the same meaning as in KRS 156.502;

10 (c) "Mental health services" means services provided by a school-based mental  
11 health services provider as defined in KRS 158.4416 but shall not include  
12 academic or career counseling; and

13 (d) "Parent" means a person who has legal custody or control of the student  
14 such as a mother, father, or guardian.

15 (2) Upon a student's enrollment and at the beginning of each school year, the district  
16 shall provide a notification to the student's parents listing each of the health  
17 services and mental health services related to human sexuality, contraception, or  
18 family planning available at the student's school and of the parents' right to  
19 withhold consent or decline any of those specific services. A parent's consent to a  
20 health service or mental health service under this subsection shall not waive the  
21 parent's right to access the student's educational or health records held by the  
22 district or the notifications required under subsection (3) of this section.

23 (3) Except as provided in subsection (5) of this section, as part of a school district's  
24 effort to provide a safe and supportive learning environment for students, a  
25 school shall notify a student's parents if:

26 (a) The school changes the health services or mental health services provided to  
27 the student; or

1        (b) School personnel make a referral for the student to receive a school's health  
2        services or mental health services or a referral to an external health care  
3        provider.

4        (4) School districts and district personnel shall respect the rights of parents to make  
5        decisions regarding the upbringing and control of the student through  
6        procedures encouraging students to discuss mental or physical health or life  
7        issues with their parents or through facilitating the discussion with their parents.

8        (5) (a) The Kentucky Board of Education or the Kentucky Department of  
9        Education shall not require or recommend that a local school district keep  
10       any student information confidential from a student's parents. A district or  
11       school shall not adopt policies or procedures with the intent of keeping any  
12       student information confidential from parents.

13       (b) The Kentucky Board of Education or the Kentucky Department of  
14       Education shall not require or recommend policies or procedures for the  
15       use of pronouns that do not conform to a student's biological sex as  
16       indicated on the student's original, unedited birth certificate issued at the  
17       time of birth pursuant to KRS 156.070(2)(g)2.

18       (c) A local school district shall not require school personnel or students to use  
19       pronouns for students that do not conform to that particular student's  
20       biological sex as referenced in paragraph (b) of this subsection.

21       (d) Nothing in this subsection shall prohibit a school district or district  
22       personnel from withholding information from a parent if a reasonably  
23       prudent person would believe, based on previous conduct and history, that  
24       the disclosure would result in the child becoming a dependent child or an  
25       abused or neglected child as defined in KRS 600.020. The fact that district  
26       personnel withhold information from a parent under this subsection shall  
27       not in itself constitute evidence of failure to report dependency, neglect, or

1 abuse to the Cabinet for Health and Family Services under KRS 620.030.

2 (6) Prior to a well-being questionnaire or assessment, or a health screening form  
 3 being given to a child for research purposes, a school district shall provide the  
 4 student's parent with access to review the material and shall obtain parental  
 5 consent. Parental consent shall not be a general consent to these assessments or  
 6 forms but shall be required for each assessment or form. A parent's refusal to  
 7 consent shall not be an indicator of having a belief regarding the topic of the  
 8 assessment or form.

9 (7) Nothing in this section shall:

10 (a) Prohibit a school district or the district's personnel from seeking or  
 11 providing emergency medical or mental health services for a student as  
 12 outlined in the district's policies; or

13 (b) Remove the duty to report pursuant to KRS 620.030 if district personnel has  
 14 reasonable cause to believe the child is a dependent child or an abused or  
 15 neglected child due to the risk of physical or emotional injury identified in  
 16 KRS 600.020(1)(a)2. or as otherwise provided in that statute.

17 ➔Section 2. KRS 158.1415 is amended to read as follows:

18 (1) If a school council or, if none exists, the principal adopts a curriculum for human  
 19 sexuality or sexually transmitted diseases, instruction shall include but not be  
 20 limited to the following content:

21 (a)~~(1)~~ Abstinance from sexual activity is the desirable goal for all school-age  
 22 children;

23 (b)~~(2)~~ Abstinance from sexual activity is the only certain way to avoid  
 24 unintended pregnancy, sexually transmitted diseases, and other associated  
 25 health problems; and

26 (c)~~(3)~~ The best way to avoid sexually transmitted diseases and other associated  
 27 health problems is to establish a permanent mutually faithful monogamous

1 relationship.

2 (2) Any course, curriculum, or program offered by a public school on the subject of  
3 human sexuality provided by school personnel or by third parties authorized by  
4 the school shall:

5 (a) Allow for the parents of a student to decline their student's participation in  
6 the course, curriculum, or program and shall provide an alternative course,  
7 curriculum, or program without any penalty to the student's grade or  
8 standing;

9 (b) Be subject to an inspection by parents of participating students that allows  
10 parents to review the following materials:

11 1. Curriculum;

12 2. Instructional materials;

13 3. Lesson plans;

14 4. Assessments or tests;

15 5. Surveys or questionnaires;

16 6. Assignments; and

17 7. Instructional activities;

18 (c) Be developmentally appropriate; and

19 (d) Be limited to a curriculum that has been subject to the reasonable review  
20 and response by stakeholders in conformity with this subsection and KRS  
21 160.345(2).

22 (3) A public school offering any course, curriculum, or program on the subject of  
23 human sexuality shall provide written notification to the parents of a student at  
24 least two (2) weeks prior to the student's planned participation in the course,  
25 curriculum, or program. The written notification shall:

26 (a) Inform the parents of the provisions of subsection (2) of this section;

27 (b) Provide the date the course, curriculum, or program is scheduled to begin;

- 1        (c) Detail the process for a parent to review the materials outlined in subsection  
2                (2) of this section;
- 3        (d) Explain the process for a parent to decline the student's participation in the  
4                course, curriculum, or program; and
- 5        (e) Provide the contact information for the teacher or instructor of the course,  
6                curriculum, or program and a school administrator designated with  
7                oversight.
- 8        (4) Nothing in this section shall prohibit school personnel from:
- 9                (a) Discussing human sexuality, including the sexuality of any historic person,  
10                group, or public figure, where the discussion provides necessary context in  
11                relation to a topic of instruction from a curriculum approved pursuant to  
12                KRS 160.345; or
- 13                (b) Responding to a question from a student during class regarding human  
14                sexuality as it relates to a topic of instruction from a curriculum approved  
15                pursuant to KRS 160.345.