

1 AN ACT relating to human growth and development instruction.

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

3 ➔Section 1. KRS 158.1415 is amended to read as follows:

4 (1) If a **school district**~~[school council or, if none exists, the principal]~~ adopts a
5 curriculum for human sexuality or sexually transmitted diseases, instruction shall
6 include but not be limited to the following content:

7 (a) Abstinence from sexual activity is the desirable goal for all school-age
8 children;

9 (b) Abstinence from sexual activity is the only certain way to avoid unintended
10 pregnancy, sexually transmitted diseases, and other associated health
11 problems;

12 (c) The best way to avoid sexually transmitted diseases and other associated
13 health problems is to establish a permanent mutually faithful monogamous
14 relationship;

15 (d) A policy to respect parental rights by ensuring that:

16 1. Children in grade five (5) and below do not receive any instruction
17 through curriculum or programs on human sexuality or sexually
18 transmitted diseases; or

19 2. Any child, regardless of grade level, enrolled in the district does not
20 receive any instruction or presentation that has a goal or purpose of
21 students studying or exploring gender identity, gender expression, or
22 sexual orientation; and

23 (e) A policy to notify a parent in advance and obtain the parent's written consent
24 before the parent's child in grade six (6) or above receives any instruction
25 through curriculum or programs on human sexuality or sexually transmitted
26 diseases authorized in this section.

27 (2) ***Each school district shall adopt health curriculum for students in grade six (6) or***

1 above that includes instruction on human growth and development. The
2 instruction on human growth and development shall include a presentation of:

3 (a) A high-definition ultrasound video, at least three (3) minutes in duration,
4 showing the development of the brain, heart, sex organs, and other vital
5 organs in early fetal development; and

6 (b) A high-quality, computer-generated rendering or animation showing the
7 process of fertilization and every stage of human development inside the
8 uterus, noting significant markers in cell growth and organ development for
9 every week of pregnancy until birth.

10 **(3)** Any course, curriculum, or program offered by a public school on the subject of
11 human sexuality or human growth and development provided by school personnel
12 or by third parties authorized by the school shall:

13 (a) Provide an alternative course, curriculum, or program without any penalty to
14 the student's grade or standing for students whose parents have not provided
15 written consent as required in subsection (1)(e) of this section;

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

- 18 1. Curriculum;
- 19 2. Instructional materials;
- 20 3. Lesson plans;
- 21 4. Assessments or tests;
- 22 5. Surveys or questionnaires;
- 23 6. Assignments; and
- 24 7. Instructional activities;

25 (c) Be developmentally appropriate; and

26 (d) Be limited to a curriculum that has been subject to the reasonable review and
27 response by stakeholders in conformity with this subsection and KRS

1 160.345(2).

2 ~~(4)~~~~(3)~~ A public school offering any course, curriculum, or program on the subject of
3 human sexuality or human growth and development shall provide written
4 notification to the parents of a student at least two (2) weeks prior to the student's
5 planned participation in the course, curriculum, or program. The written notification
6 shall:

- 7 (a) Inform the parents of the provisions of subsection ~~(3)~~~~(2)~~ of this section;
8 (b) Provide the date the course, curriculum, or program is scheduled to begin;
9 (c) Detail the process for a parent to review the materials outlined in subsection
10 ~~(3)~~~~(2)~~ of this section;
11 (d) Explain the process for a parent to provide written consent for the student's
12 participation in the course, curriculum, or program; and
13 (e) Provide the contact information for the teacher or instructor of the course,
14 curriculum, or program and a school administrator designated with oversight.

15 ~~(5)~~~~(4)~~ Nothing in this section shall prohibit school personnel from:

- 16 (a) Discussing human sexuality, including the sexuality of any historic person,
17 group, or public figure, where the discussion provides necessary context in
18 relation to a topic of instruction from a curriculum approved pursuant to KRS
19 160.345; or
20 (b) Responding to a question from a student during class regarding human
21 sexuality as it relates to a topic of instruction from a curriculum approved
22 pursuant to KRS 160.345.

23 **(6) (a) Notwithstanding any provision of law to the contrary, the Attorney General**
24 **may bring a civil action for a writ of mandamus to compel a public school**
25 **district to comply with subsections (1) to (4) of this section.**

26 **(b) Notwithstanding any provision of law to the contrary, a parent or student**
27 **over the age of eighteen (18) may file a civil action against the school**

1 *district for injunctive relief arising from a violation of subsections (1) to (4)*
2 *of this section. A civil action brought under this section may be brought in*
3 *the Circuit Court of the county in which the school district is located.*
4 *Sovereign and governmental immunity are waived for any claim filed under*
5 *this subsection and arising from a violation of subsections (1) to (4) of this*
6 *section. The remedies identified in this section shall be in addition to, and*
7 *not in lieu of, any other remedies available in law or equity.*

8 ➔Section 2. This Act may be cited as the Baby Olivia Act.