

1 AN ACT relating to children and declaring an emergency.

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 council or, if none exists, the principal adopts a curriculum for human  
5 sexuality or sexually transmitted diseases, instruction shall include but not be  
6 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. **The notice shall inform the parent of how**~~  
27 ~~**to opt their child out of the instruction.**~~

- 1 (2) Any course, curriculum, or program offered by a public school on the subject of  
2 human sexuality provided by school personnel or by third parties authorized by the  
3 school shall:
- 4 (a) Provide an alternative course, curriculum, or program without any penalty to  
5 the student's grade or standing for students whose parents have opted their  
6 child out of instruction in accordance with subsection (1)(d) of this  
7 section~~[not provided written consent as required in subsection (1)(e) of this~~  
8 ~~section]~~;
- 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 and  
20 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 least  
24 two (2) weeks prior to the student's planned participation in the course, curriculum,  
25 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 opt out of~~provide written consent for~~ the  
4 student's participation in the 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 oversight.
- 7 (4) Nothing in this section shall prohibit school personnel from:
- 8 (a) Discussing human sexuality, including the sexuality of any historic person,  
9 group, or public figure, where the discussion provides necessary context in  
10 relation to a topic of instruction from a curriculum approved pursuant to KRS  
11 160.345; or
- 12 (b) Responding to a question from a student during class regarding human  
13 sexuality as it relates to a topic of instruction from a curriculum approved  
14 pursuant to KRS 160.345.
- 15 ➔Section 2. KRS 158.191 is amended to read as follows:
- 16 (1) As used in this section:
- 17 (a) "External health care provider" means a provider of health or mental health  
18 services that is not employed by or contracted with the school district to  
19 provide services to the district's students;
- 20 (b) "Health services" has the same meaning as in KRS 156.502;
- 21 (c) "Mental health services" means services provided by a school-based mental  
22 health services provider as defined in KRS 158.4416 but shall not include  
23 academic or career counseling; and
- 24 (d) "Parent" means a person who has legal custody or control of the student such  
25 as a mother, father, or guardian.
- 26 (2) Upon a student's enrollment and at the beginning of each school year, the district  
27 shall provide a notification to the student's parents listing each of the health services

1 and mental health services related to human sexuality, contraception, or family  
2 planning available at the student's school and of the parents' right to withhold  
3 consent or decline any of those specific services. A parent's consent to a health  
4 service or mental health service under this subsection shall not waive the parent's  
5 right to access the student's educational or health records held by the district or the  
6 notifications required under subsection (3) of this section.

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

10 (a) The school changes the health services or mental health services related to  
11 human sexuality, contraception, or family planning that it provides~~, and shall~~  
12 ~~obtain parental consent prior to providing health services or mental health~~  
13 ~~services to the student];~~ or

14 (b) School personnel make a referral:

15 1. For the student to receive a school's health services or mental health  
16 services; or

17 2. To an external health care provider, for which parental consent shall be  
18 obtained prior to the referral being made.

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

23 (5) ~~(a) The Kentucky Board of Education or the Kentucky Department of Education~~  
24 ~~shall not require or recommend that a local school district keep any student~~  
25 ~~information confidential from a student's parents. A district or school shall not~~  
26 ~~adopt policies or procedures with the intent of keeping any student~~  
27 ~~information confidential from parents.~~

1       ~~(b) The Kentucky Board of Education or the Kentucky Department of Education~~  
 2           ~~shall not require or recommend policies or procedures for the use of pronouns~~  
 3           ~~that do not conform to a student's biological sex as indicated on the student's~~  
 4           ~~original, unedited birth certificate issued at the time of birth pursuant to KRS~~  
 5           ~~156.070(2)(g)2.~~

6       ~~(e) A local school district shall [not] require school personnel or students to use~~  
 7           ~~pronouns for students that do not conform to that particular student's~~  
 8           ~~biological sex *when a student submits a request to use such pronouns to the*~~  
 9           ~~*school principal* [as referenced in paragraph (b) of this subsection.~~

10       ~~(d) Nothing in this subsection shall prohibit a school district or district personnel~~  
 11           ~~from withholding information from a parent if a reasonably prudent person~~  
 12           ~~would believe, based on previous conduct and history, that the disclosure~~  
 13           ~~would result in the child becoming a dependent child or an abused or~~  
 14           ~~neglected child as defined in KRS 600.020. The fact that district personnel~~  
 15           ~~withhold information from a parent under this subsection shall not in itself~~  
 16           ~~constitute evidence of failure to report dependency, neglect, or abuse to the~~  
 17           ~~Cabinet for Health and Family Services under KRS 620.030].~~

18       ~~(5)~~~~(6)~~   Prior to a well-being questionnaire or assessment, or a health screening form  
 19           being given to a child for research purposes, a school district shall provide the  
 20           student's parent with access to review the material and shall obtain parental consent.  
 21           Parental consent shall not be a general consent to these assessments or forms but  
 22           shall be required for each assessment or form. A parent's refusal to consent shall not  
 23           be an indicator of having a belief regarding the topic of the assessment or form.

24       ~~(6)~~~~(7)~~   Nothing in this section shall:

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

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

5 ➔Section 3. KRS 158.189 is amended to read as follows:

6 (1) As used in this section:

7 (a) "Biological sex" means the physical condition of being male or female, which  
8 is determined by a person's chromosomes, and is identified at birth by a  
9 person's anatomy; and

10 (b) "School" means a school under the control of a local board of education or a  
11 charter school board of directors.

12 (2) ~~{The General Assembly finds that:~~

13 ~~(a) School personnel have a duty to protect the dignity, health, welfare, and~~  
14 ~~privacy rights of students in their care;~~

15 ~~(b) Children and young adults have natural and normal concerns about privacy~~  
16 ~~while in various states of undress, and most wish for members of the opposite~~  
17 ~~biological sex not to be present in those circumstances;~~

18 ~~(c) Allowing students to use restrooms, locker rooms, or shower rooms that are~~  
19 ~~reserved for students of a different biological sex:~~

20 ~~1. Will create a significant potential for disruption of school activities and~~  
21 ~~unsafe conditions; and~~

22 ~~2. Will create potential embarrassment, shame, and psychological injury to~~  
23 ~~students;~~

24 ~~(d) Parents have a reasonable expectation that schools will not allow minor~~  
25 ~~children to be viewed in various states of undress by members of the opposite~~  
26 ~~biological sex, nor allow minor children to view members of the opposite sex~~  
27 ~~in various states of undress; and~~

1       ~~(e) Schools have a duty to respect and protect the privacy rights of students,~~  
 2           ~~including the right not to be compelled to undress or be unclothed in the~~  
 3           ~~presence of members of the opposite biological sex.~~

4       ~~(3) Each local board of education or charter school board of directors shall, after~~  
 5           ~~allowing public comment on the issue at an open meeting, adopt policies necessary~~  
 6           ~~to protect the privacy rights outlined in subsection (2) of this section and enforce~~  
 7           ~~this subsection. Those policies shall, at a minimum, not allow students to use~~  
 8           ~~restrooms, locker rooms, or shower rooms that are reserved for students of a~~  
 9           ~~different biological sex.]~~

10       ~~(4) (a) ]A student who asserts to school officials that his or her gender is different~~  
 11           ~~from his or her biological sex [and whose parent or legal guardian provides written~~  
 12           ~~consent to school officials ]shall be provided with the best available~~  
 13           ~~accommodation that, but that accommodation] shall [not ]include the use of school~~  
 14           ~~restrooms, locker rooms, or shower rooms designated for use by the gender of~~  
 15           ~~which the student identifies]students of the opposite biological sex while students~~  
 16           ~~of the opposite biological sex are present or could be present.~~

17       ~~(b) ].~~ Acceptable alternate accommodations implemented by the school upon the  
 18           ~~student's request~~ may include but are not limited to access to single-stall restrooms  
 19           ~~or controlled use of faculty bathrooms, locker rooms, or shower rooms. Each local~~  
 20           ~~board of education shall adopt policies and procedures to enforce this section.~~

21       ➔Section 4. The following KRS section is repealed:

22       311.372 Prohibition on treatments to a minor for purpose of attempting to alter the  
 23           appearance or perception of the minor's sex -- Exceptions -- Penalties.

24       ➔Section 5. Whereas the medical and educational needs of Kentucky's children  
 25           are of the utmost importance, an emergency is declared to exist, and this Act takes effect  
 26           upon its passage and approval by the Governor or upon its otherwise becoming a law.