

JAN 18 2013

S.B. NO. 389

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that sexuality health
2 education promotes healthy attitudes on adolescent growth and
3 development, body image, gender and sexuality, dating,
4 relationships, and family. The legislature also finds that
5 sexuality health education should positively affect adolescent
6 behavior and provide teens with the information, skills, and
7 support they need to develop positive values, make healthy
8 decisions, and respect the important role that sexuality plays
9 throughout a person's life. Within the past three years,
10 several states, including Hawaii, have enacted laws that require
11 school districts that teach sexuality health education to
12 include age appropriate, medically accurate health education.
13 The legislature finds that the effectiveness of sexuality health
14 education in Hawaii's schools could be bolstered by providing
15 clearer guidance on a comprehensive approach to sexuality health
16 education, greater flexibility in the implementation of the
17 curricula, and greater public access to the curricula.

18 The purpose of this Act is to:

2013-0162 SB SMA.doc



- 1 (1) Specify additional elements of Hawaii's existing
- 2 sexuality health education law and implementation of
- 3 the instruction;
- 4 (2) Require the department of education to provide
- 5 information on the curricula to the public; and
- 6 (3) Allow parents to request that their children not
- 7 receive the sexuality health education provided
- 8 pursuant to Hawaii's sexuality health education law.

9 SECTION 2. Section 321-11.1, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"[+]§321-11.1[+] Medically accurate sexuality health**
12 **education.** (a) Sexuality health education programs funded by
13 the State shall provide medically accurate and factual
14 information that [~~is~~]:

- 15 (1) Is age appropriate [~~and includes~~];
- 16 (2) Includes education on abstinence, contraception, and
- 17 methods of disease prevention to prevent unintended
- 18 pregnancy and sexually transmitted disease, including
- 19 human immunodeficiency virus[~~-~~];
- 20 (3) Helps students develop relationships and communication
- 21 skills to form healthy relationships that are based on

1 mutual respect and affection and free from violence,
2 coercion, and intimidation;

3 (4) Helps students develop skills in critical thinking,
4 problem solving, decision making, and stress
5 management to make healthy decisions about sexuality
6 and relationships; and

7 (5) Encourages students to communicate with their parents,
8 guardians, and other trusted adults about sexuality
9 and intimate relations.

10 (b) Beginning with the 2014-2015 school year, each public
11 elementary, middle, intermediate, high, and alternative school
12 operated by the department of education shall provide sexuality
13 health education described under subsection (a).

14 (c) At their own discretion, teachers may answer in good
15 faith any question initiated by a student or students that is
16 reasonably related to and consistent with the material of a
17 course provided pursuant to subsection (a).

18 (d) The department of education may eliminate or modify
19 components of instruction under subsection (a)(2) in elementary
20 school for reasons of age appropriateness.

21 (e) Sexuality health education under subsection (a) shall
22 not discriminate on the basis of sex, race, ethnicity, national



1 origin, disability, religion, sexual orientation, or gender
2 identity.

3 (f) The department of education shall develop, maintain,
4 and make available to the public a current list of sexuality
5 health education curricula that are consistent with the
6 requirements under subsection (a).

7 (g) A student shall be excused from any part of the
8 instruction provided pursuant to this section only upon the
9 written request of the student's parent or legal guardian. A
10 student may not be subject to disciplinary action, academic
11 penalty, or other sanction if the student's parent or legal
12 guardian requests that the student not receive the instruction
13 provided under this section.

14 (h) The department of education shall establish minimum
15 education and training qualifications for sexuality health
16 education teachers.

17 ~~[(b)]~~ (i) For the purposes of this section:

18 "Age appropriate" means suitable to a particular age or age
19 group based on developing cognitive, emotional, and behavioral
20 capacity typical for that age or age group.

21 "Factual information" means medical, psychiatric,
22 psychological, empirical, or statistical information that is



1 verified or supported by research conducted by recognized
2 medical, psychiatric, psychological, and public health
3 professionals or organizations.

4 "Medically accurate" means verified or supported by
5 research conducted in compliance with accepted scientific
6 methods and recognized as accurate and objective by professional
7 organizations and agencies with expertise in the relevant field,
8 such as the federal Centers for Disease Control and Prevention,
9 the American Public Health Association, the American Academy of
10 Pediatrics, and the American College of Obstetricians and
11 Gynecologists.

12 "Sexuality health education" means education in any medium
13 regarding human development and sexuality, including education
14 on pregnancy, family planning, and sexually transmitted
15 diseases."

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

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S.B. NO. 384

Report Title:

Keiki Caucus; Comprehensive Sex Education

Description:

Specifies additional elements of Hawaii's existing sexuality health education law and its implementation. Requires the department of education to provide certain types of information to the public and to parents. Allows parents to opt out of the department of education's sexuality health education.

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