H.B. NO. 799

A BILL FOR AN ACT

RELATING TO HEALTH.

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

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

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- The purpose of this Act is to:
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| 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 | SECT | ION 2. Section 321-11.1, Hawaii Revised Statutes, is |
| 10 | amended t | o 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) | <u>Is</u> age appropriate [and includes] <u>;</u> |
| 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 |
| | | |



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| 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 | elementar | y, middle, intermediate, high, and alternative school |
| 12 | operated | by the department of education shall provide sexuality |
| 13 | health ed | ucation 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 | reasonabl | y related to and consistent with the material of a |
| 17 | course pr | ovided pursuant to subsection (a). |
| 18 | (d) | The department of education may eliminate or modify |
| 19 | component | s of instruction under subsection (a)(2) in elementary |
| 20 | school fo | r reasons of age appropriateness. |
| 21 | <u>(e)</u> | Sexuality health education under subsection (a) shall |
| 22 | not discr | iminate on the basis of sex, race, ethnicity, national |



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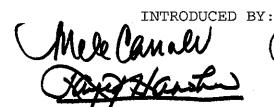
| 1 | origin, disability, religion, sexual orientation, or gender | | | | |
|----|-----------------------------------------------------------------|--|--|--|--|
| 2 | identity. | | | | |
| 3 | (f) The department of education shall develop, maintain, | | | | |
| 4 | and make available to the public a 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)] <u>(i)</u> 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 | | | | |

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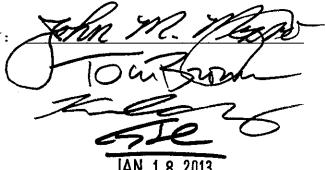
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verified or supported by research conducted by recognized 1 medical, psychiatric, psychological, and public health 2 3 professionals or organizations. "Medically accurate" means verified or supported by 4 5 research conducted in compliance with accepted 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 Pediatrics, and the American College of Obstetricians and 10 11 Gynecologists. "Sexuality health education" means education in any medium 12 regarding human development and sexuality, including education 13 14 on pregnancy, family planning, and sexually transmitted 15 diseases." Statutory material to be repealed is bracketed 16 SECTION 3. and stricken. New statutory material is underscored. 17 18 SECTION 4. This Act shall take effect upon its approval. 19



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JAN 1 8 2013

H.B. NO. 399

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.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

