

JAN 23 2015

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 few years, several
10 states, including Hawaii, have enacted laws that require school
11 districts that teach sexuality health education to include age
12 appropriate, medically accurate health education. The
13 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.



1 The purpose of this Act is to:

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

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

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

16 (1) Is age appropriate [~~and includes~~];

17 (2) Includes education on abstinence, contraception, and
18 methods of disease prevention to prevent unintended
19 pregnancy and sexually transmitted disease, including
20 human immunodeficiency virus[~~-~~];



1 (3) Helps students develop relationships and communication
2 skills to form healthy relationships that are based on
3 mutual respect and affection and free from violence,
4 coercion, and intimidation;

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

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

12 (b) Beginning with the 2016-2017 school year, each public
13 elementary, middle, intermediate, high, and alternative school
14 operated by the department of education shall provide sexuality
15 health education described under subsection (a).

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



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

4 (e) Sexuality health education under subsection (a) shall
5 not discriminate on the basis of sex, race, ethnicity, national
6 origin, disability, religion, sexual orientation, or gender
7 identity.

8 (f) The department of education shall develop, maintain,
9 and make available to the public a current list of sexuality
10 health education curricula that are consistent with the
11 requirements under subsection (a).

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

19 (h) The department of education shall establish minimum
20 education and training qualifications for sexuality health
21 education teachers.



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

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

5 "Factual information" means medical, psychiatric,
6 psychological, empirical, or statistical information that is
7 verified or supported by research conducted by recognized
8 medical, psychiatric, psychological, and public health
9 professionals or organizations.

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

18 "Sexuality health education" means education in any medium
19 regarding human development and sexuality, including education
20 on pregnancy, family planning, and sexually transmitted
21 diseases."



S.B. NO. 395

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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S.B. NO. 395

Report Title:

Women's Legislative Caucus Package; Comprehensive Sex Education

Description:

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

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