

JAN 21 2011

S.B. NO. 922

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:

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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 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 are free from
2 violence, 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) Each public elementary, secondary, and alternative
11 school operated by the department of education shall provide
12 sexuality health education described under subsection (a).

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

17 (d) The department of health, in consultation with the
18 department of education, may eliminate or modify components of
19 instruction under subsection (a)(2) in elementary school for
20 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 health, in consultation with the
4 department of education, shall develop, maintain, and make
5 available to the public a current list of sexuality health
6 education curricula that are consistent with the requirements
7 under subsection (a).

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

15 (h) The department of health shall adopt rules pursuant to
16 chapter 91 necessary to carry out the purposes of this section.
17 The department of health, in consultation with the department of
18 education, shall establish minimum education and training
19 qualifications for sexuality health education teachers.

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



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

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

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

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

21 SECTION 3. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



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

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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 (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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