
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 more than seven
2 hundred teenagers give birth in Hawaii each year and the State
3 is ranked twenty-third in the nation for teenage births, with
4 19.2 births per one thousand girls who are fifteen to nineteen
5 years of age.

6 The legislature also finds that compared to non-teenage
7 mothers, teenage mothers are nearly half as likely to graduate
8 from high school. Forty per cent of teenage mothers reported
9 living in poverty by age twenty-seven, and eighty per cent of
10 teenage mothers reported receiving federal Temporary Assistance
11 for Needy Families benefits within ten years of giving birth.
12 Further, teenage childbearing in Hawaii costs taxpayers
13 \$32,000,000 per year.

14 Additionally, the legislature finds that among Hawaii high
15 school students, eleven per cent report that they have
16 experienced physical dating violence, nearly twelve per cent
17 report that they have experienced sexual violence, and eight per



1 cent report that they have been physically forced to have sexual
2 intercourse on at least one occasion.

3 The legislature believes that an effective way to combat
4 teen pregnancy and sexual violence is through sexuality health
5 education that promotes healthy attitudes toward adolescent
6 growth and development, body image, gender and sexuality,
7 dating, relationships, and family. Sexuality health education
8 can also provide teens with the information, skills, and support
9 needed to develop positive values, make healthy decisions, and
10 respect the important role that sexuality plays throughout a
11 person's life.

12 Over the past several years, a number of states, including
13 Hawaii, have enacted laws that require any school districts that
14 teach sexuality health education to include age appropriate and
15 medically accurate health information. The legislature finds,
16 however, that providing clearer guidance on a more uniform and
17 comprehensive approach to sexuality health education, greater
18 flexibility in the implementation of the curricula, and greater
19 public access to the curricula will strengthen the effectiveness
20 of sexuality health education in Hawaii's schools.

21 The purpose of this Act is to:



- 1 (1) Add specific requirements to Hawaii's existing
2 sexuality health education law;
- 3 (2) Allow parents to request that their children not
4 receive the sexuality health education provided
5 pursuant to Hawaii's sexuality health education law;
- 6 (3) Establish the sexuality health education working group
7 to address the complexities of providing accurate, age
8 appropriate sexuality health education; and
- 9 (4) Require the board of education, department of
10 education, and sexuality health education working
11 group to collaborate to develop, maintain, and make
12 available to the public a list of sexuality health
13 education curricula.

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

16 "[+]§321-11.1[+] **Medically accurate sexuality health**
17 **education.** (a) Sexuality health education programs funded by
18 the State shall provide medically accurate and factual
19 information that [~~is~~]:

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



- 1 (2) Includes education on abstinence, contraception, and
2 methods of disease prevention to prevent unintended
3 pregnancy and sexually transmitted disease, including
4 human immunodeficiency virus[-];
- 5 (3) Helps students develop relationship and communication
6 skills to form healthy relationships that are based on
7 mutual respect and affection and are free from
8 violence, coercion, and intimidation;
- 9 (4) Helps students develop skills in critical thinking,
10 problem solving, decision making, and stress
11 management to make healthy decisions about sexuality
12 and relationships; and
- 13 (5) Encourages students to communicate with their parents,
14 guardians, and other trusted adults about sexuality
15 and intimate relations.
- 16 (b) At a teacher's discretion, the teacher may answer in
17 good faith any question initiated by a student or students that
18 is reasonably related to and consistent with the material of a
19 course provided pursuant to subsection (a).



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

4 (d) Sexuality health education provided pursuant to this
5 section shall not discriminate on the basis of sex, race,
6 ethnicity, national origin, disability, religion, sexual
7 orientation, or gender identity.

8 (e) 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 parents or legal guardian. A
11 student shall 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 (f) The department of education shall establish minimum
16 education and training qualifications for sexuality health
17 education teachers.

18 ~~(b)~~ (g) For the purposes of this section:

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



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

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

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

18 SECTION 3. (a) There is established within the department
19 of education for administrative purposes the sexuality health
20 education working group to address the complexities of providing



1 accurate, age appropriate sexuality health education and to
2 report to the legislature.

3 (b) The working group shall consist of the following
4 members:

5 (1) The superintendent of education or the
6 superintendent's designee, who shall serve as chair of
7 the working group;

8 (2) A member of the board of education selected by the
9 chairperson of the board of education;

10 (3) A member of the senate selected by the senate
11 president;

12 (4) A member of the house of representatives selected by
13 the speaker of the house of representatives; and

14 (5) The following persons who shall be invited to serve as
15 members:

16 (A) The president of the Hawaii State Teacher's
17 Association or the president's designee;

18 (B) A representative of the Hawaii Youth Services
19 Network;

20 (C) A representative of the Kapiolani Sexual Assault
21 Center; and



1 (D) Two physicians who are licensed under chapter
2 453, Hawaii Revised Statutes, and who have
3 expertise in medically accurate, age appropriate
4 sexuality health education for children and
5 youth.

6 (c) The working group shall conduct at least three
7 meetings that shall be held at the Hawaii state capitol. The
8 working group shall convene at the pleasure of the chair;
9 provided that the first meeting shall occur no later than
10 August 1, 2019.

11 (d) The working group may request assistance and feedback
12 from subject matter experts as needed to carry out its work.

13 (e) The working group shall submit to the legislature a
14 final report of its findings and recommendations, including any
15 proposed legislation, no later than twenty days prior to the
16 convening of the 2020 regular session.

17 (f) No member of the working group shall be:

18 (1) Compensated for serving as a member of the working
19 group; provided that members shall be reimbursed for
20 expenses, including travel expenses, necessary for the
21 performance of their duties; or



1 (2) Made subject to chapter 84, Hawaii Revised Statutes,
2 solely because of the member's participation.

3 (g) The working group shall dissolve upon submission of
4 its final report to the legislature.

5 SECTION 4. The board of education shall collaborate with
6 the department of education and the sexuality health education
7 working group to develop, maintain, and make available to the
8 public a current list of sexuality health education curricula
9 that are consistent with this Act.

10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect upon its approval.
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H.B. NO. 385

Report Title:

BOE; DOE; Comprehensive Sexuality Health Education; Working Group

Description:

Adds specific requirements to Hawaii's sexuality health education law. Requires the Board of Education to collaborate with the Department of Education and the Sexuality Health Education Working Group to provide curricula information to the public. Requires students to be excused from the provided instruction upon written request by a parent or guardian. Establishes the Sexuality Health Education Working Group.

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