
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 nearly eight hundred
2 teenagers give birth in Hawaii each year and that Hawaii is
3 ranked twenty-second in the nation for teenage births, at 20.6
4 births per one thousand girls who are fifteen to nineteen years
5 of age.

6 Compared to non-teenage mothers, teenage mothers are nearly
7 half as likely to graduate from high school. Forty per cent of
8 teenage mothers reported living in poverty by age twenty-seven,
9 and eighty per cent of teenage mothers reported receiving
10 Temporary Assistance for Needy Families benefits within ten
11 years of giving birth.

12 Further, children of teenage mothers tend to score lower on
13 standardized tests, are more likely to repeat a grade, and are
14 less likely to graduate from high school. Children of teenage
15 mothers also have a higher rate of emergency room visits, are
16 more likely to have a chronic health condition, are more likely



1 to be incarcerated in their teens or early twenties, and are
2 more likely to give birth in their teens themselves.

3 The legislature also finds that teenage childbearing costs
4 Hawaii taxpayers \$32,000,000 per year, with seventy-one per cent
5 of that amount covered by state and local funds and twenty-nine
6 per cent covered by federal funds.

7 The legislature further finds that among Hawaii high school
8 students, ten per cent reported that they had experienced
9 physical dating violence, thirteen per cent reported that they
10 had experienced sexual dating violence, and nine per cent
11 reported that they had been physically forced to have sexual
12 intercourse on at least one occasion.

13 The legislature believes that an effective way to combat
14 teen pregnancy and sexual violence is through sexuality health
15 education that promotes healthy attitudes toward adolescent
16 growth and development, body image, gender and sexuality,
17 dating, relationships, and family. Sexuality health education
18 can also provide teens with the information, skills, and support
19 needed to develop positive values, make healthy decisions, and
20 respect the important role that sexuality plays throughout a
21 person's life.



1 Over the past few years, several states, including Hawaii,
2 have enacted laws that require school districts that teach
3 sexuality health education to include age-appropriate and
4 medically accurate health education. The legislature finds,
5 however, that the effectiveness of sexuality health education in
6 Hawaii's schools may be bolstered by providing clearer guidance
7 on a comprehensive approach to sexuality health education,
8 greater flexibility in the implementation of the curricula, and
9 greater public access to the curricula.

10 The purpose of this Act is to:

- 11 (1) Add specific requirements to Hawaii's existing
12 sexuality health education law;
- 13 (2) Require the board of education and department of
14 education to collaborate to develop, maintain, and
15 make available to the public a list of sexuality
16 health education curricula; and
- 17 (3) Allow parents to request that their children not
18 receive the sexuality health education provided
19 pursuant to Hawaii's sexuality health education law.

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



1 " ~~[+]~~ §321-11.1 ~~[+]~~ Medically accurate sexuality health
2 education. (a) Sexuality health education programs funded by
3 the State shall provide medically accurate and factual
4 information that ~~[is]~~:

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

6 (2) Includes education on abstinence, contraception, and
7 methods of disease prevention to prevent unintended
8 pregnancy and sexually transmitted disease, including
9 human immunodeficiency virus ~~[+]~~;

10 (3) Helps students develop relationships and communication
11 skills to form healthy relationships that are based on
12 mutual respect and affection and are free from
13 violence, coercion, and intimidation;

14 (4) Helps students develop skills in critical thinking,
15 problem solving, decision making, and stress
16 management to make healthy decisions about sexuality
17 and relationships; and

18 (5) Encourages students to communicate with their parents,
19 guardians, and other trusted adults about sexuality
20 and intimate relations.



1 (b) At a teacher's discretion, the teacher may answer in
2 good faith any question initiated by a student or students that
3 is reasonably related to and consistent with the material of a
4 course provided pursuant to subsection (a).

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

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

12 (e) The board of education shall collaborate with the
13 department of education to develop, maintain, and make available
14 to the public a current list of sexuality health education
15 curricula that are consistent with the requirements of this
16 section.

17 (f) A student shall be excused from any part of the
18 instruction provided pursuant to this section only upon the
19 written request of the student's parent or legal guardian. A
20 student shall not be subject to disciplinary action, academic
21 penalty, or other sanction if the student's parent or legal



1 guardian requests that the student not receive the instruction
2 provided under this section.

3 (g) The department of education shall establish minimum
4 education and training qualifications for sexuality health
5 education teachers.

6 [~~(b)~~] (h) For the purposes of this section:

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

10 "Factual information" means medical, psychiatric,
11 psychological, empirical, or statistical information that is
12 verified or supported by research conducted by recognized
13 medical, psychiatric, psychological, and public health
14 professionals or organizations.

15 "Medically accurate" means verified or supported by
16 research conducted in compliance with accepted scientific
17 methods and recognized as accurate and objective by professional
18 organizations and agencies with expertise in the relevant field,
19 such as the federal Centers for Disease Control and Prevention,
20 the American Public Health Association, the American Academy of



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1 Pediatrics, and the American College of Obstetricians and
2 Gynecologists.

3 "Sexuality health education" means education in any medium
4 regarding human development and sexuality, including education
5 on pregnancy, family planning, and sexually transmitted
6 diseases."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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

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Report Title:

Comprehensive Sexuality Health Education

Description:

Adds specific requirements to Hawaii's existing sexuality health education law. Requires the BOE and DOE to collaborate to provide curricula information to the public. Requires students to be excused from the provided instruction upon written request by a parent or guardian.

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