



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4616

Introduced 2/1/2012, by Rep. Camille Y Lilly

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-9.1
105 ILCS 110/3

from Ch. 122, par. 27-9.1

Amends the School Code and the Critical Health Problems and Comprehensive Health Education Act. Makes changes concerning the instruction provided in a class or course in comprehensive sex education offered in any of grades 6 through 12. Makes changes concerning what must be emphasized in all classes in grades 6 through 12 (instead of all elementary, junior high, and senior high school classes) that teach sex education and discuss sexual intercourse. Provides that all classes that teach sex education and discuss sexual intercourse in grades 6 through 12 shall satisfy specified criteria (instead of all sex education courses that discuss sexual intercourse shall satisfy specified criteria); makes changes to that criteria. Provides that an opportunity shall be afforded to individuals (not just parents or guardians) to examine the instructional materials to be used in a class or course. Provides that the State Board of Education shall make available resource materials for educating children regarding sex education. Provides that school districts that do not currently provide sex education are not required to teach sex education. Provides that if a sex education class or course is offered in any of grades 6 through 12, the school district may choose and adapt the developmentally and age-appropriate, medically accurate, evidence-based, and complete sex education curriculum that meets the specific needs of its community. Provides that the Comprehensive Health Education Program shall include the educational area of evidence-based and medically accurate information regarding sexual abstinence (instead of the area of sexual abstinence until marriage).

LRB097 16475 NHT 61643 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 27-9.1 as follows:

6 (105 ILCS 5/27-9.1) (from Ch. 122, par. 27-9.1)
7 Sec. 27-9.1. Sex Education.

8 (a) In this Section:

9 "Adapt" means to modify an evidence-based program model for
10 use with a particular demographic, ethnic, linguistic, or
11 cultural group.

12 "Age appropriate" means suitable to particular ages or age
13 groups of children and adolescents, based on the developing
14 cognitive, emotional, and behavioral capacity typical for the
15 age or age group.

16 "Evidence-based program" means a program for which
17 systematic, empirical research or evaluation has provided
18 evidence of effectiveness.

19 "Medically accurate" means verified or supported by the
20 weight of research conducted in compliance with accepted
21 scientific methods and published in peer-reviewed journals, if
22 applicable, or comprising information recognized as accurate,
23 objective, and complete.

1 (a-5) ~~(a)~~ No pupil shall be required to take or participate
2 in any class or course in comprehensive sex education if his
3 parent or guardian submits written objection thereto, and
4 refusal to take or participate in such course or program shall
5 not be reason for suspension or expulsion of such pupil. Each
6 class or course in comprehensive sex education offered in any
7 of grades 6 through 12 shall include instruction on both
8 abstinence and contraception for the prevention of pregnancy
9 and sexually transmitted diseases, including HIV/AIDS ~~the~~
10 ~~prevention, transmission and spread of AIDS~~. Nothing in this
11 Section prohibits instruction in sanitation, hygiene or
12 traditional courses in biology.

13 (b) All ~~public elementary, junior high, and senior high~~
14 ~~school~~ classes that teach sex education and discuss sexual
15 intercourse in grades 6 through 12 shall emphasize that
16 ~~abstinence is the expected norm in that~~ abstinence from sexual
17 intercourse is a responsible and positive decision and is the
18 only protection that is 100% effective against unwanted teenage
19 pregnancy, sexually transmitted diseases, and acquired immune
20 deficiency syndrome (AIDS) when transmitted sexually.

21 (c) All classes that teach sex education and ~~courses that~~
22 discuss sexual intercourse in grades 6 through 12 shall satisfy
23 the following criteria:

24 (1) Course material and instruction shall be
25 developmentally and age appropriate, medically accurate,
26 and complete.

1 (1.5) Course material and instruction shall replicate
2 evidence-based programs or substantially incorporate
3 elements of evidence-based programs.

4 (2) Course material and instruction shall teach honor
5 and respect for monogamous heterosexual marriage.

6 (3) Course material and instruction shall place
7 substantial emphasis on both abstinence, including
8 abstinence until marriage, and contraception for the
9 prevention of pregnancy and sexually transmitted diseases
10 among youth and shall stress that abstinence is the ensured
11 method of avoiding unintended pregnancy, sexually
12 transmitted diseases, and HIV/AIDS ~~pupils should abstain~~
13 ~~from sexual intercourse until they are ready for marriage.~~

14 (4) Course material and instruction shall include a
15 discussion of the possible emotional and psychological
16 consequences of preadolescent and adolescent sexual
17 intercourse ~~outside of marriage~~ and the consequences of
18 unwanted adolescent pregnancy.

19 (5) Course material and instruction shall stress that
20 sexually transmitted diseases are serious possible hazards
21 of sexual intercourse. Pupils shall be provided with
22 statistics based on the latest medical information citing
23 the failure and success rates of condoms in preventing AIDS
24 and other sexually transmitted diseases.

25 (6) Course material and instruction shall advise
26 pupils of the laws pertaining to their financial

1 responsibility to children born in and out of wedlock.

2 (7) Course material and instruction shall advise
3 pupils of the circumstances under which it is unlawful for
4 males to have sexual relations with females under the age
5 of 18 to whom they are not married pursuant to Article 12
6 of the Criminal Code of 1961, as now or hereafter amended.

7 (8) Course material and instruction shall teach pupils
8 to not make unwanted physical and verbal sexual advances
9 and how to say no to unwanted sexual advances. Pupils shall
10 be taught that it is wrong to take advantage of or to
11 exploit another person. The material and instruction shall
12 also encourage youth to resist negative peer pressure.

13 (9) (Blank).

14 (10) Course material and instruction shall teach
15 pupils about the dangers associated with drug and alcohol
16 consumption during pregnancy.

17 (d) An opportunity shall be afforded to individuals,
18 including parents or guardians, to examine the instructional
19 materials to be used in such class or course.

20 (e) The State Board of Education shall make available
21 resource materials, with the cooperation and input of the
22 agency that administers grant programs consistent with
23 criteria (1) and (1.5) of subsection (c) of this Section, for
24 educating children regarding sex education and may take into
25 consideration the curriculum on this subject developed by other
26 states, as well as any other curricular materials suggested by

1 education experts and other groups that work on sex education
2 issues. Materials may include without limitation model sex
3 education curriculums and sexual health education programs.
4 The State Board of Education shall make these resource
5 materials available on its Internet website. School districts
6 that do not currently provide sex education are not required to
7 teach sex education. If a sex education class or course is
8 offered in any of grades 6 through 12, the school district may
9 choose and adapt the developmentally and age-appropriate,
10 medically accurate, evidence-based, and complete sex education
11 curriculum that meets the specific needs of its community.

12 (Source: P.A. 96-1082, eff. 7-16-10.)

13 Section 10. The Critical Health Problems and Comprehensive
14 Health Education Act is amended by changing Section 3 as
15 follows:

16 (105 ILCS 110/3)

17 Sec. 3. Comprehensive Health Education Program. The
18 program established under this Act shall include, but not be
19 limited to, the following major educational areas as a basis
20 for curricula in all elementary and secondary schools in this
21 State: human ecology and health, human growth and development,
22 the emotional, psychological, physiological, hygienic and
23 social responsibilities of family life, including sexual
24 abstinence until marriage, prevention and control of disease,

1 including instruction in grades 6 through 12 on the prevention,
2 transmission and spread of AIDS, sexual assault awareness in
3 secondary schools, public and environmental health, consumer
4 health, safety education and disaster survival, mental health
5 and illness, personal health habits, alcohol, drug use, and
6 abuse including the medical and legal ramifications of alcohol,
7 drug, and tobacco use, abuse during pregnancy, evidence-based
8 and medically accurate information regarding sexual abstinence
9 ~~until marriage~~, tobacco, nutrition, and dental health. The
10 program shall also provide course material and instruction to
11 advise pupils of the Abandoned Newborn Infant Protection Act.
12 The program shall include information about cancer, including
13 without limitation types of cancer, signs and symptoms, risk
14 factors, the importance of early prevention and detection, and
15 information on where to go for help. Notwithstanding the above
16 educational areas, the following areas may also be included as
17 a basis for curricula in all elementary and secondary schools
18 in this State: basic first aid (including, but not limited to,
19 cardiopulmonary resuscitation and the Heimlich maneuver),
20 heart disease, diabetes, stroke, the prevention of child abuse,
21 neglect, and suicide, and teen dating violence in grades 8
22 through 12.

23 The school board of each public elementary and secondary
24 school in the State shall encourage all teachers and other
25 school personnel to acquire, develop, and maintain the
26 knowledge and skills necessary to properly administer

1 life-saving techniques, including without limitation the
2 Heimlich maneuver and rescue breathing. The training shall be
3 in accordance with standards of the American Red Cross, the
4 American Heart Association, or another nationally recognized
5 certifying organization. A school board may use the services of
6 non-governmental entities whose personnel have expertise in
7 life-saving techniques to instruct teachers and other school
8 personnel in these techniques. Each school board is encouraged
9 to have in its employ, or on its volunteer staff, at least one
10 person who is certified, by the American Red Cross or by
11 another qualified certifying agency, as qualified to
12 administer first aid and cardiopulmonary resuscitation. In
13 addition, each school board is authorized to allocate
14 appropriate portions of its institute or inservice days to
15 conduct training programs for teachers and other school
16 personnel who have expressed an interest in becoming qualified
17 to administer emergency first aid or cardiopulmonary
18 resuscitation. School boards are urged to encourage their
19 teachers and other school personnel who coach school athletic
20 programs and other extracurricular school activities to
21 acquire, develop, and maintain the knowledge and skills
22 necessary to properly administer first aid and cardiopulmonary
23 resuscitation in accordance with standards and requirements
24 established by the American Red Cross or another qualified
25 certifying agency. Subject to appropriation, the State Board of
26 Education shall establish and administer a matching grant

1 program to pay for half of the cost that a school district
2 incurs in training those teachers and other school personnel
3 who express an interest in becoming qualified to administer
4 cardiopulmonary resuscitation (which training must be in
5 accordance with standards of the American Red Cross, the
6 American Heart Association, or another nationally recognized
7 certifying organization) or in learning how to use an automated
8 external defibrillator. A school district that applies for a
9 grant must demonstrate that it has funds to pay half of the
10 cost of the training for which matching grant money is sought.
11 The State Board of Education shall award the grants on a
12 first-come, first-serve basis.

13 No pupil shall be required to take or participate in any
14 class or course on AIDS or family life instruction if his
15 parent or guardian submits written objection thereto, and
16 refusal to take or participate in the course or program shall
17 not be reason for suspension or expulsion of the pupil.

18 Curricula developed under programs established in
19 accordance with this Act in the major educational area of
20 alcohol and drug use and abuse shall include classroom
21 instruction in grades 5 through 12. The instruction, which
22 shall include matters relating to both the physical and legal
23 effects and ramifications of drug and substance abuse, shall be
24 integrated into existing curricula; and the State Board of
25 Education shall develop and make available to all elementary
26 and secondary schools in this State instructional materials and

1 guidelines which will assist the schools in incorporating the
2 instruction into their existing curricula. In addition, school
3 districts may offer, as part of existing curricula during the
4 school day or as part of an after school program, support
5 services and instruction for pupils or pupils whose parent,
6 parents, or guardians are chemically dependent.

7 (Source: P.A. 95-43, eff. 1-1-08; 95-764, eff. 1-1-09; 96-128,
8 eff. 1-1-10; 96-328, eff. 8-11-09; 96-383, eff. 1-1-10;
9 96-1000, eff. 7-2-10.)