



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1619

Introduced 2/9/2011, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

New Act

105 ILCS 5/27-9.1

from Ch. 122, par. 27-9.1

105 ILCS 110/3

Creates the Personal Responsibility Education Program Act. Provides that if an elementary or secondary public school offers sex education or sexual health education, the education must be medically accurate and developmentally and age appropriate and must include instruction regarding the benefits of delaying or abstaining from sexual activity. Requires school districts to make curriculum and course materials available for viewing upon request. Provides that a pupil must be excused for any part of the instruction at the written request of his or her parent or guardian. Provides that a pupil must not be subject to disciplinary action, an academic penalty, or any other sanction if the pupil's parent or guardian requests in writing that the pupil not receive the instruction. Requires the Department of Human Services to adopt rules; specifies requirements for the rules. With respect to teen pregnancy prevention and sexual health education, requires this State, through the appropriate State agency or department, to seek available funds from the federal government allocated to evidenced-based teen pregnancy prevention programs. Amends the School Code to make changes concerning sex education course material and instruction requirements. Amends the Critical Health Problems and Comprehensive Health Education Act to replace references from "abstinence until marriage" to "abstinence" in a Section setting forth what areas the comprehensive health education program must include.

LRB097 00148 NHT 42890 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 1. Short title. This Act may be cited as the
5 Personal Responsibility Education Program Act.

6 Section 5. Definitions. In this Act:

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

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

14 "Evidenced-based program" means a program for which
15 systematic, empirical research or evaluation has provided
16 evidence of effectiveness.

17 "Fidelity" means the degree to which a sexual health
18 program is delivered as designed and the faithfulness with
19 which a curriculum or program is implemented.

20 "Medically accurate" means verified or supported by the
21 weight of research conducted in compliance with accepted
22 scientific methods and published in peer-reviewed journals,
23 where applicable, or comprising information that leading

1 professional organizations and agencies with relevant
2 expertise in the field have recognized as accurate, objective,
3 and complete.

4 Section 10. Sexual health education. If an elementary or
5 secondary public school offers sex education or sexual health
6 education, the education must be medically accurate and
7 developmentally and age appropriate and must include
8 instruction regarding the benefits of delaying or abstaining
9 from sexual activity. This education must be consistent with
10 rules adopted by the Department of Human Services. Course
11 material and instruction must be free from bias in accordance
12 with the Illinois Human Rights Act.

13 Section 15. Notice and parental options.

14 (a) With respect to instruction provided in accordance with
15 this Act, school districts shall make curriculum and course
16 materials available for viewing upon request.

17 (b) A pupil must be excused for any part of the instruction
18 provided in accordance with this Act at the written request of
19 his or her parent or guardian.

20 (c) A pupil must not be subject to disciplinary action, an
21 academic penalty, or any other sanction if the pupil's parent
22 or guardian requests in writing that the pupil not receive the
23 instruction provided in accordance with this Act.

1 Section 20. Rules. No later than June 1, 2012, the
2 Department of Human Services shall adopt rules consistent with
3 the provisions of this Act, which the Department of Human
4 Services shall enforce upon adoption. These rules shall outline
5 sex education and sexual health education program standards
6 that meet the requirements of this Act. The rules shall require
7 school districts that intend to offer sex education or sexual
8 health education to choose from among a list, created by the
9 Department of Human Services and published annually by the
10 Department of Human Services, of model sex education and sexual
11 health education programs that meet the requirements of this
12 Act. The rules shall permit school districts to adapt such
13 programs to the specific needs of their communities and shall
14 require that these programs be implemented with fidelity to the
15 model program.

16 Section 25. Teen pregnancy prevention and sexual health
17 education funding. With respect to teen pregnancy prevention
18 and sexual health education, this State, through the
19 appropriate State agency or department, shall seek available
20 funds from the federal government allocated to evidenced-based
21 teen pregnancy prevention programs, including, but not limited
22 to, funds from the Office of Adolescent Health of the U.S.
23 Department of Health and Human Services and the Centers for
24 Disease Control and Prevention.

1 Section 90. The School Code is amended by changing Section
2 27-9.1 as follows:

3 (105 ILCS 5/27-9.1) (from Ch. 122, par. 27-9.1)

4 Sec. 27-9.1. Sex Education.

5 (a) No pupil shall be required to take or participate in
6 any class or course in comprehensive sex education if his
7 parent or guardian submits written objection thereto, and
8 refusal to take or participate in such course or program shall
9 not be reason for suspension or expulsion of such pupil. Each
10 class or course in comprehensive sex education offered in any
11 of grades 6 through 12 shall include instruction on the
12 prevention, transmission and spread of AIDS. Nothing in this
13 Section prohibits instruction in sanitation, hygiene or
14 traditional courses in biology.

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

22 (c) All sex education courses that discuss sexual
23 intercourse shall satisfy the following criteria:

24 (1) Course material and instruction shall be age
25 appropriate.

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

3 (3) Course material and instruction shall stress that
4 abstinence is the assured method of avoiding unintended
5 pregnancy, sexually transmitted diseases, and HIV/AIDS
6 ~~pupils should abstain from sexual intercourse until they~~
7 ~~are ready for marriage.~~

8 (4) Course material and instruction shall include a
9 discussion of the possible emotional and psychological
10 consequences of preadolescent and adolescent sexual
11 intercourse ~~outside of marriage~~ and the consequences of
12 unwanted adolescent pregnancy.

13 (5) Course material and instruction shall stress that
14 sexually transmitted diseases are serious possible hazards
15 of sexual intercourse. Pupils shall be provided with
16 statistics based on the latest medical information citing
17 the failure and success rates of condoms in preventing AIDS
18 and other sexually transmitted diseases.

19 (6) Course material and instruction shall advise
20 pupils of the laws pertaining to their financial
21 responsibility to children born in and out of wedlock.

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

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

7 (9) (Blank).

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

11 (d) An opportunity shall be afforded to parents or
12 guardians to examine the instructional materials to be used in
13 such class or course.

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

15 Section 95. The Critical Health Problems and Comprehensive
16 Health Education Act is amended by changing Section 3 as
17 follows:

18 (105 ILCS 110/3)

19 Sec. 3. Comprehensive Health Education Program. The
20 program established under this Act shall include, but not be
21 limited to, the following major educational areas as a basis
22 for curricula in all elementary and secondary schools in this
23 State: human ecology and health, human growth and development,
24 the emotional, psychological, physiological, hygienic and

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

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

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

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

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

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

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

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