



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2820

by Rep. Ann M. Williams

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-9.1

from Ch. 122, par. 27-9.1

Amends the School Code. With regard to a sex education course, provides that course material and instruction in grades 6 through 12 must include an age-appropriate discussion on the meaning of consent that includes discussion on recognizing that (i) consent is a freely given agreement to sexual activity, (ii) a person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent, (iii) a person's manner of dress does not constitute consent, (iv) a person's consent to past sexual activity does not constitute consent to future sexual activity, (v) a person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person, (vi) a person can withdraw consent at any time, and (vii) a person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to certain circumstances. Removes a provision requiring material and instruction to include, with an emphasis on workplace environment and life on a college campus, discussion on what constitutes sexual consent.

LRB101 10375 AXK 55481 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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) No pupil shall be required to take or participate in
2 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. Nothing
10 in this Section prohibits instruction in sanitation, hygiene or
11 traditional courses in biology.

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

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

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

25 (1.5) Course material and instruction shall replicate
26 evidence-based programs or substantially incorporate

1 elements of evidence-based programs.

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

4 (3) Course material and instruction shall place
5 substantial emphasis on both abstinence, including
6 abstinence until marriage, and contraception for the
7 prevention of pregnancy and sexually transmitted diseases
8 among youth and shall stress that abstinence is the ensured
9 method of avoiding unintended pregnancy, sexually
10 transmitted diseases, and HIV/AIDS.

11 (4) Course material and instruction shall include a
12 discussion of the possible emotional and psychological
13 consequences of preadolescent and adolescent sexual
14 intercourse and the consequences of unwanted adolescent
15 pregnancy.

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

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

25 (7) Course material and instruction shall advise
26 pupils of the circumstances under which it is unlawful for

1 males to have sexual relations with females under the age
2 of 18 to whom they are not married pursuant to Article 11
3 of the Criminal Code of 2012.

4 (8) Course material and instruction shall teach pupils
5 to not make unwanted physical and verbal sexual advances
6 and how to say no to unwanted sexual advances. Pupils shall
7 be taught that it is wrong to take advantage of or to
8 exploit another person. The material and instruction shall
9 also encourage youth to resist negative peer pressure. The
10 material and instruction shall include, with an emphasis on
11 the workplace environment and life on a college campus,
12 discussion on ~~what constitutes sexual consent~~ and what may
13 be considered sexual harassment or sexual assault.

14 (9) (Blank).

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

18 (11) Course material and instruction must include an
19 age-appropriate discussion on the meaning of consent that
20 includes discussion on recognizing all of the following:

21 (A) That consent is a freely given agreement to
22 sexual activity.

23 (B) That a person's lack of verbal or physical
24 resistance or submission resulting from the use or
25 threat of force does not constitute consent.

26 (C) That a person's manner of dress does not

1 constitute consent.

2 (D) That a person's consent to past sexual activity
3 does not constitute consent to future sexual activity.

4 (E) That a person's consent to engage in sexual
5 activity with one person does not constitute consent to
6 engage in sexual activity with another person.

7 (F) That a person can withdraw consent at any time.

8 (G) That a person cannot consent to sexual activity
9 if that person is unable to understand the nature of
10 the activity or give knowing consent due to certain
11 circumstances that include, but are not limited to, (i)
12 the person is incapacitated due to the use or influence
13 of alcohol or drugs, (ii) the person is asleep or
14 unconscious, (iii) the person is a minor, or (iv) the
15 person is incapacitated due to a mental disability.

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

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

1 issues. Materials may include without limitation model sex
2 education curriculums and sexual health education programs.
3 The State Board of Education shall make these resource
4 materials available on its Internet website. School districts
5 that do not currently provide sex education are not required to
6 teach sex education. If a sex education class or course is
7 offered in any of grades 6 through 12, the school district may
8 choose and adapt the developmentally and age-appropriate,
9 medically accurate, evidence-based, and complete sex education
10 curriculum that meets the specific needs of its community.
11 (Source: P.A. 100-684, eff. 8-3-18.)