

# HB5148



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB5148**

by Rep. Stephanie A. Kifowit

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-9.1

from Ch. 122, par. 27-9.1

Amends the School Code. Provides that course material and instruction in a sex education course shall include, with an emphasis on the workplace environment and life on a college campus, material and discussion on what constitutes sexual consent and what may be considered sexual harassment or sexual assault. Effective July 1, 2018.

LRB100 20090 AXK 35373 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) 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 (d) An opportunity shall be afforded to individuals,  
19 including parents or guardians, to examine the instructional  
20 materials to be used in such class or course.

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

1 states, as well as any other curricular materials suggested by  
2 education experts and other groups that work on sex education  
3 issues. Materials may include without limitation model sex  
4 education curriculums and sexual health education programs.  
5 The State Board of Education shall make these resource  
6 materials available on its Internet website. School districts  
7 that do not currently provide sex education are not required to  
8 teach sex education. If a sex education class or course is  
9 offered in any of grades 6 through 12, the school district may  
10 choose and adapt the developmentally and age-appropriate,  
11 medically accurate, evidence-based, and complete sex education  
12 curriculum that meets the specific needs of its community.  
13 (Source: P.A. 97-1150, eff. 1-25-13; 98-441, eff. 1-1-14.)

14 Section 99. Effective date. This Act takes effect July 1,  
15 2018.