



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3224

Introduced 2/19/2021, by Rep. Stephanie A. Kifowit

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-9.1

from Ch. 122, par. 27-9.1

Amends the Article of the School Code concerning courses of study. In provisions relating to sex education, requires that course material and instruction include an age-appropriate discussion about the importance of establishing physical boundaries in relationships and interactions with others. Requires that the instruction must include a discussion about (i) how to set appropriate boundaries with others, (ii) how to respond to unwanted physical contact or advances, (iii) the importance of saying "no" in uncomfortable situations, and (iv) how to help a peer deal with an uncomfortable situation. Effective immediately.

LRB102 10701 CMG 16030 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
10 for 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
11 or 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
20 sexual intercourse in grades 6 through 12 shall satisfy the
21 following 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
9 ensured 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
21 AIDS 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 a person to have sexual relations with an individual who
2 is under the age of 17 and for a person who is in a
3 position of trust, authority, or supervision to have
4 sexual relations with an individual who is under the age
5 of 18 pursuant to Article 11 of the Criminal Code of 2012.

6 (8) Course material and instruction shall teach pupils
7 to not make unwanted physical and verbal sexual advances
8 and how to say no to unwanted sexual advances. Pupils
9 shall be taught that it is wrong to take advantage of or to
10 exploit another person. The material and instruction shall
11 also encourage youth to resist negative peer pressure. The
12 material and instruction shall include discussion on what
13 may 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 consent to one particular sexual activity
24 does not constitute consent to other types of sexual
25 activities.

26 (C) That a person's lack of verbal or physical

1 resistance or submission resulting from the use or
2 threat of force does not constitute consent.

3 (D) That a person's manner of dress does not
4 constitute consent.

5 (E) That a person's consent to past sexual
6 activity does not constitute consent to future sexual
7 activity.

8 (F) That a person's consent to engage in sexual
9 activity with one person does not constitute consent
10 to engage in sexual activity with another person.

11 (G) That a person can withdraw consent at any
12 time.

13 (H) That a person cannot consent to sexual
14 activity if that person is unable to understand the
15 nature of the activity or give knowing consent due to
16 certain circumstances that include, but are not
17 limited to, (i) the person is incapacitated due to the
18 use or influence of alcohol or drugs, (ii) the person
19 is asleep or unconscious, (iii) the person is a minor,
20 or (iv) the person is incapacitated due to a mental
21 disability.

22 (12) Course material and instruction shall include an
23 age-appropriate discussion about the importance of
24 establishing appropriate physical boundaries in
25 relationships and interactions with others. An
26 age-appropriate discussion must include all of the

1 following:

2 (A) How to set appropriate boundaries with others.

3 (B) How to respond to unwanted physical contact or
4 advances.

5 (C) The importance of saying "no" in uncomfortable
6 situations.

7 (D) How to help a peer deal with an uncomfortable
8 situation.

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

12 (e) The State Board of Education shall make available
13 resource materials, with the cooperation and input of the
14 agency that administers grant programs consistent with
15 criteria (1) and (1.5) of subsection (c) of this Section, for
16 educating children regarding sex education and may take into
17 consideration the curriculum on this subject developed by
18 other states, as well as any other curricular materials
19 suggested by education experts and other groups that work on
20 sex education issues. Materials may include without limitation
21 model sex education curriculums and sexual health education
22 programs. The State Board of Education shall make these
23 resource materials available on its Internet website. School
24 districts that do not currently provide sex education are not
25 required to teach sex education. If a sex education class or
26 course is offered in any of grades 6 through 12, the school

1 district may choose and adapt the developmentally and
2 age-appropriate, medically accurate, evidence-based, and
3 complete sex education curriculum that meets the specific
4 needs of its community.

5 (Source: P.A. 100-684, eff. 8-3-18; 101-579, eff. 1-1-20.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.