



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5349

Introduced 1/31/2022, by Rep. Tony McCombie

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-9.1a

Amends the Courses of Study Article of the School Code. Provides that if the parent or guardian of a student wants the student to receive comprehensive personal health and safety and comprehensive sexual health education, the student's parent or guardian must opt the student in to receive that education (rather than allowing a student's parent or guardian to opt the student out of comprehensive personal health and safety and comprehensive sexual health education). Makes conforming changes. Effective immediately.

LRB102 21826 CMG 30946 b

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 27-9.1a as follows:

6 (105 ILCS 5/27-9.1a)

7 Sec. 27-9.1a. Comprehensive personal health and safety and
8 comprehensive sexual health education.

9 (a) In this Section:

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

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

17 "Characteristics of effective programs" includes
18 development, content, and implementation of such programs that
19 (i) have been shown to be effective in terms of increasing
20 knowledge, clarifying values and attitudes, increasing skills,
21 and impacting behavior, (ii) are widely recognized by leading
22 medical and public health agencies to be effective in changing
23 sexual behaviors that lead to sexually transmitted infections,

1 including HIV, unintended pregnancy, interpersonal violence,
2 and sexual violence among young people, and (iii) are taught
3 by professionals who provide a safe learning space, free from
4 shame, stigma, and ideology and are trained in trauma-informed
5 teaching methodologies.

6 "Complete" means information that aligns with the National
7 Sex Education Standards, including information on consent and
8 healthy relationships, anatomy and physiology, puberty and
9 adolescent sexual development, gender identity and expression,
10 sexual orientation and identity, sexual health, and
11 interpersonal violence.

12 "Comprehensive personal health and safety education" means
13 age and developmentally appropriate education that aligns with
14 the National Sex Education Standards, including information on
15 consent and healthy relationships, anatomy and physiology,
16 puberty and adolescent sexual development, gender identity and
17 expression, sexual orientation and identity, sexual health,
18 and interpersonal violence.

19 "Comprehensive sexual health education" means age and
20 developmentally appropriate education that aligns with the
21 National Sex Education Standards, including information on
22 consent and healthy relationships, anatomy and physiology,
23 puberty and adolescent sexual development, gender identity and
24 expression, sexual orientation and identity, sexual health,
25 and interpersonal violence.

26 "Consent" means an affirmative, knowing, conscious,

1 ongoing, and voluntary agreement to engage in interpersonal,
2 physical, or sexual activity, which can be revoked at any
3 point, including during the course of interpersonal, physical,
4 or sexual activity.

5 "Culturally appropriate" means affirming culturally
6 diverse individuals, families, and communities in an
7 inclusive, respectful, and effective manner, including
8 materials and instruction that are inclusive of race,
9 ethnicity, language, cultural background, immigration status,
10 religion, disability, gender, gender identity, gender
11 expression, sexual orientation, and sexual behavior.

12 "Evidence-based program" means a program for which
13 systematic, empirical research or evaluation has provided
14 evidence of effectiveness.

15 "Evidence-informed program" means a program that uses the
16 best available research and practice knowledge to guide
17 program design and implementation.

18 "Gender stereotype" means a generalized view or
19 preconception about what attributes, characteristics, or roles
20 are or ought to be taught, possessed by, or performed by people
21 based on their gender identity.

22 "Healthy relationships" means relationships between
23 individuals that consist of mutual respect, trust, honesty,
24 support, fairness, equity, separate identities, physical and
25 emotional safety, and good communication.

26 "Identity" means people's understanding of how they

1 identify their sexual orientation, gender, gender identity, or
2 gender expression without stereotypes, shame, or stigma.

3 "Inclusive" means inclusion of marginalized communities
4 that include, but are not limited to, people of color,
5 immigrants, people of diverse sexual orientations, gender
6 identities, and gender expressions, people who are intersex,
7 people with disabilities, people who have experienced
8 interpersonal or sexual violence, and others.

9 "Interpersonal violence" means violent behavior used to
10 establish power and control over another person.

11 "Medically accurate" means verified or supported by the
12 weight of research conducted in compliance with accepted
13 scientific methods and published in peer-reviewed journals, if
14 applicable, or comprising information recognized as accurate
15 and objective.

16 "Pre-exposure Prophylaxis (PrEP)" means medications
17 approved by the federal Food and Drug Administration (FDA) and
18 recommended by the United States Public Health Service or the
19 federal Centers for Disease Control and Prevention for HIV
20 pre-exposure prophylaxis and related pre-exposure prophylaxis
21 services, including, but not limited to, HIV and sexually
22 transmitted infection screening, treatment for sexually
23 transmitted infections, medical monitoring, laboratory
24 services, and sexual health counseling, to reduce the
25 likelihood of HIV infection for individuals who are not living
26 with HIV but are vulnerable to HIV exposure.

1 "Post-exposure Prophylaxis (PeP)" means the medications
2 that are recommended by the federal Centers for Disease
3 Control and Prevention and other public health authorities to
4 help prevent HIV infection after potential occupational or
5 non-occupational HIV exposure.

6 "Sexual violence" means discrimination, bullying,
7 harassment, including sexual harassment, sexual abuse, sexual
8 assault, intimate partner violence, incest, rape, and human
9 trafficking.

10 "Trauma informed" means to address vital information about
11 sexuality and well-being that takes into consideration how
12 adverse life experiences may potentially influence a person's
13 well-being and decision making.

14 (b) All classes that teach comprehensive personal health
15 and safety and comprehensive sexual health education shall
16 satisfy the following criteria:

17 (1) Course material and instruction shall be age and
18 developmentally appropriate, medically accurate,
19 complete, culturally appropriate, inclusive, and trauma
20 informed.

21 (2) Course material and instruction shall replicate
22 evidence-based or evidence-informed programs or
23 substantially incorporate elements of evidence-based
24 programs or evidence-informed programs or characteristics
25 of effective programs.

26 (3) Course material and instruction shall be inclusive

1 and sensitive to the needs of students based on their
2 status as pregnant or parenting, living with STIs,
3 including HIV, sexually active, asexual, or intersex or
4 based on their gender, gender identity, gender expression,
5 sexual orientation, sexual behavior, or disability.

6 (4) Course material and instruction shall be
7 accessible to students with disabilities, which may
8 include the use of a modified curriculum, materials,
9 instruction in alternative formats, assistive technology,
10 and auxiliary aids.

11 (5) Course material and instruction shall help
12 students develop self-advocacy skills for effective
13 communication with parents or guardians, health and social
14 service professionals, other trusted adults, and peers
15 about sexual health and relationships.

16 (6) Course material and instruction shall provide
17 information to help students develop skills for developing
18 healthy relationships and preventing and dealing with
19 interpersonal violence and sexual violence.

20 (7) Course material and instruction shall provide
21 information to help students safely use the Internet,
22 including social media, dating or relationship websites or
23 applications, and texting.

24 (8) Course material and instruction shall provide
25 information about local resources where students can
26 obtain additional information and confidential services

1 related to parenting, bullying, interpersonal violence,
2 sexual violence, suicide prevention, sexual and
3 reproductive health, mental health, substance abuse,
4 sexual orientation, gender identity, gender expression,
5 and other related issues.

6 (9) Course material and instruction shall include
7 information about State laws related to minor
8 confidentiality and minor consent, including exceptions,
9 consent education, mandated reporting of child abuse and
10 neglect, the safe relinquishment of a newborn child,
11 minors' access to confidential health care and related
12 services, school policies addressing the prevention of and
13 response to interpersonal and sexual violence, school
14 breastfeeding accommodations, and school policies
15 addressing the prevention of and response to sexual
16 harassment.

17 (10) Course material and instruction may not reflect
18 or promote bias against any person on the basis of the
19 person's race, ethnicity, language, cultural background,
20 citizenship, religion, HIV status, family structure,
21 disability, gender, gender identity, gender expression,
22 sexual orientation, or sexual behavior.

23 (11) Course material and instruction may not employ
24 gender stereotypes.

25 (12) Course material and instruction shall be
26 inclusive of and may not be insensitive or unresponsive to

1 the needs of survivors of interpersonal violence and
2 sexual violence.

3 (13) Course material and instruction may not
4 proselytize any religious doctrine.

5 (14) Course material and instruction may not
6 deliberately withhold health-promoting or life-saving
7 information about culturally appropriate health care and
8 services, including reproductive health services, hormone
9 therapy, and FDA-approved treatments and options,
10 including, but not limited to, Pre-exposure Prophylaxis
11 (PrEP) and Post-exposure Prophylaxis (PeP).

12 (15) Course material and instruction may not be
13 inconsistent with the ethical imperatives of medicine and
14 public health.

15 (c) A school may utilize guest lecturers or resource
16 persons to provide instruction or presentations in accordance
17 with Section 10-22.34b. Comprehensive personal health and
18 safety and comprehensive sexual health education instruction
19 and materials provided by guest lecturers or resource persons
20 may not conflict with the provisions of this Section.

21 (d) No student shall be required to take or participate in
22 any class or course in comprehensive personal health and
23 safety and comprehensive sexual health education. If the
24 parent or guardian of a student wants the student to receive
25 comprehensive personal health and safety and comprehensive
26 sexual health education, the A student's parent or guardian

1 ~~must~~ ~~may~~ opt the student in to receive that ~~out of~~
2 ~~comprehensive personal health and safety and comprehensive~~
3 ~~sexual health~~ education by submitting the request in writing.
4 Refusal to take or participate in such a course or program may
5 not be a reason for disciplinary action, academic penalty,
6 suspension, or expulsion or any other sanction of a student. ~~A~~
7 ~~school district may not require active parental consent for~~
8 ~~comprehensive personal health and safety and comprehensive~~
9 ~~sexual health education.~~

10 (e) An opportunity shall be afforded to individuals,
11 including parents or guardians, to review the scope and
12 sequence of instructional materials to be used in a class or
13 course under this Section, either electronically or in person.
14 A school district shall annually post, on its Internet website
15 if one exists, which curriculum is used to provide
16 comprehensive personal health and safety and comprehensive
17 sexual health education and the name and contact information,
18 including an email address, of school personnel who can
19 respond to inquiries about instruction and materials.

20 (f) On or before August 1, 2022, the State Board of
21 Education, in consultation with youth, parents, sexual health
22 and violence prevention experts, health care providers,
23 advocates, and education practitioners, including, but not
24 limited to, administrators, regional superintendents of
25 schools, teachers, and school support personnel, shall develop
26 and adopt rigorous learning standards in the area of

1 comprehensive personal health and safety education for pupils
2 in kindergarten through the 5th grade and comprehensive sexual
3 health education for pupils in the 6th through 12th grades,
4 including, but not limited to, all of the National Sex
5 Education Standards, including information on consent and
6 healthy relationships, anatomy and physiology, puberty and
7 adolescent sexual development, gender identity and expression,
8 sexual orientation and identity, sexual health, and
9 interpersonal violence, as authored by the Future of Sex
10 Education Initiative. As the National Sex Education Standards
11 are updated, the State Board of Education shall update these
12 learning standards.

13 (g) By no later than August 1, 2022, the State Board of
14 Education shall make available resource materials developed in
15 consultation with stakeholders, with the cooperation and input
16 of experts that provide and entities that promote age and
17 developmentally appropriate, medically accurate, complete,
18 culturally appropriate, inclusive, and trauma-informed
19 comprehensive personal health and safety and comprehensive
20 sexual health education policy. Materials may include, without
21 limitation, model comprehensive personal health and safety and
22 comprehensive sexual health education resources and programs.
23 The State Board of Education shall make these resource
24 materials available on its Internet website, in a clearly
25 identified and easily accessible place.

26 (h) Schools may choose and adapt the age and

1 developmentally appropriate, medically accurate, complete,
2 culturally appropriate, inclusive, and trauma-informed
3 comprehensive personal health and safety and comprehensive
4 sexual health education curriculum that meets the specific
5 needs of their community. All instruction and materials,
6 including materials provided or presented by outside
7 consultants, community groups, or organizations, may not
8 conflict with the provisions of this Section.

9 (i) The State Board of Education shall, through existing
10 reporting mechanisms if available, direct each school district
11 to identify the following:

12 (1) if instruction on comprehensive personal health
13 and safety and comprehensive sexual health education is
14 provided;

15 (2) whether the instruction was provided by a teacher
16 in the school, a consultant, or a community group or
17 organization and specify the name of the outside
18 consultant, community group, or organization;

19 (3) the number of students opting to receive ~~receiving~~
20 instruction;

21 (4) the number of students not opting to receive
22 ~~excused from~~ instruction; and

23 (5) the duration of instruction.

24 The State Board of Education shall report the results of
25 this inquiry to the General Assembly annually, for a period of
26 5 years beginning one year after the effective date of this

1 amendatory Act of the 102nd General Assembly.

2 (Source: P.A. 102-522, eff. 8-20-21.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.