



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB4696**

Introduced 1/12/2006, by Rep. Elizabeth Coulson

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-9.1

from Ch. 122, par. 27-9.1

105 ILCS 110/3

from Ch. 122, par. 863

30 ILCS 805/8.30 new

Amends the School Code and the Critical Health Problems and Comprehensive Health Education Act. Removes a provision that requires a sex education course that discusses sexual intercourse to have course material and instruction to advise pupils of the Abandoned Newborn Infant Protection Act and to provide information about responsible parenting and the availability of confidential adoption services. Provides instead that the Comprehensive Health Education Program must provide course material and instruction to advise pupils of the Abandoned Newborn Infant Protection Act and to provide information about responsible parenting and the availability of confidential adoption services. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 16139 NHT 51379 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) No pupil shall be required to take or participate in  
9 any class or course in comprehensive sex education if his  
10 parent or guardian submits written objection thereto, and  
11 refusal to take or participate in such course or program shall  
12 not be reason for suspension or expulsion of such pupil. Each  
13 class or course in comprehensive sex education offered in any  
14 of grades 6 through 12 shall include instruction on the  
15 prevention, transmission and spread of AIDS. Nothing in this  
16 Section prohibits instruction in sanitation, hygiene or  
17 traditional courses in biology.

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

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

27 (1) Course material and instruction shall be age  
28 appropriate.

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

31 (3) Course material and instruction shall stress that  
32 pupils should abstain from sexual intercourse until they

1 are ready for marriage.

2 (4) Course material and instruction shall include a  
3 discussion of the possible emotional and psychological  
4 consequences of preadolescent and adolescent sexual  
5 intercourse outside of marriage and the consequences of  
6 unwanted adolescent pregnancy.

7 (5) Course material and instruction shall stress that  
8 sexually transmitted diseases are serious possible hazards  
9 of sexual intercourse. Pupils shall be provided with  
10 statistics based on the latest medical information citing  
11 the failure and success rates of condoms in preventing AIDS  
12 and other sexually transmitted diseases.

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

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

21 (8) Course material and instruction shall teach pupils  
22 to not make unwanted physical and verbal sexual advances  
23 and how to say no to unwanted sexual advances. Pupils shall  
24 be taught that it is wrong to take advantage of or to  
25 exploit another person. The material and instruction shall  
26 also encourage youth to resist negative peer pressure.

27 (9) (Blank). ~~Course material and instruction shall~~  
28 ~~advise pupils of the provisions of the Abandoned Newborn~~  
29 ~~Infant Protection Act (325 ILCS 2/) as well as provide~~  
30 ~~information about responsible parenting and the~~  
31 ~~availability of confidential adoption services.~~

32 (d) An opportunity shall be afforded to parents or  
33 guardians to examine the instructional materials to be used in  
34 such class or course.

35 (Source: P.A. 93-88, eff. 7-2-03.)

1 Section 10. The Critical Health Problems and Comprehensive  
2 Health Education Act is amended by changing Section 3 as  
3 follows:

4 (105 ILCS 110/3) (from Ch. 122, par. 863)

5 Sec. 3. Comprehensive Health Education Program. The  
6 program established under this Act shall include, but not be  
7 limited to, the following major educational areas as a basis  
8 for curricula in all elementary and secondary schools in this  
9 State: human ecology and health, human growth and development,  
10 the emotional, psychological, physiological, hygienic and  
11 social responsibilities of family life, including sexual  
12 abstinence until marriage, prevention and control of disease,  
13 including instruction in grades 6 through 12 on the prevention,  
14 transmission and spread of AIDS, public and environmental  
15 health, consumer health, safety education and disaster  
16 survival, mental health and illness, personal health habits,  
17 alcohol, drug use, and abuse including the medical and legal  
18 ramifications of alcohol, drug, and tobacco use, abuse during  
19 pregnancy, sexual abstinence until marriage, tobacco,  
20 nutrition, and dental health. The program shall also provide  
21 course material and instruction to advise pupils of the  
22 Abandoned Newborn Infant Protection Act and to provide  
23 information about responsible parenting and the availability  
24 of confidential adoption services. Notwithstanding the above  
25 educational areas, the following areas may also be included as  
26 a basis for curricula in all elementary and secondary schools  
27 in this State: basic first aid (including, but not limited to,  
28 cardiopulmonary resuscitation and the Heimlich maneuver),  
29 early prevention and detection of cancer, heart disease,  
30 diabetes, stroke, and the prevention of child abuse, neglect,  
31 and suicide. The school board of each public elementary and  
32 secondary school in the State shall encourage all teachers and  
33 other school personnel to acquire, develop, and maintain the  
34 knowledge and skills necessary to properly administer  
35 life-saving techniques, including without limitation the

1 Heimlich maneuver and rescue breathing. The training shall be  
2 in accordance with standards of the American Red Cross, the  
3 American Heart Association, or another nationally recognized  
4 certifying organization. A school board may use the services of  
5 non-governmental entities whose personnel have expertise in  
6 life-saving techniques to instruct teachers and other school  
7 personnel in these techniques. Each school board is encouraged  
8 to have in its employ, or on its volunteer staff, at least one  
9 person who is certified, by the American Red Cross or by  
10 another qualified certifying agency, as qualified to  
11 administer first aid and cardiopulmonary resuscitation. In  
12 addition, each school board is authorized to allocate  
13 appropriate portions of its institute or inservice days to  
14 conduct training programs for teachers and other school  
15 personnel who have expressed an interest in becoming qualified  
16 to administer emergency first aid or cardiopulmonary  
17 resuscitation. School boards are urged to encourage their  
18 teachers and other school personnel who coach school athletic  
19 programs and other extracurricular school activities to  
20 acquire, develop, and maintain the knowledge and skills  
21 necessary to properly administer first aid and cardiopulmonary  
22 resuscitation in accordance with standards and requirements  
23 established by the American Red Cross or another qualified  
24 certifying agency. No pupil shall be required to take or  
25 participate in any class or course on AIDS or family life  
26 instruction if his parent or guardian submits written objection  
27 thereto, and refusal to take or participate in the course or  
28 program shall not be reason for suspension or expulsion of the  
29 pupil.

30 Curricula developed under programs established in  
31 accordance with this Act in the major educational area of  
32 alcohol and drug use and abuse shall include classroom  
33 instruction in grades 5 through 12. The instruction, which  
34 shall include matters relating to both the physical and legal  
35 effects and ramifications of drug and substance abuse, shall be  
36 integrated into existing curricula; and the State Board of

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

9 (Source: P.A. 92-23, eff. 7-1-01.)

10 Section 90. The State Mandates Act is amended by adding  
11 Section 8.30 as follows:

12 (30 ILCS 805/8.30 new)

13 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8  
14 of this Act, no reimbursement by the State is required for the  
15 implementation of any mandate created by this amendatory Act of  
16 the 94th General Assembly.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.