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To: Education

HOUSE BILL NO. 999
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-13-171, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE EACH LOCAL SCHOOL BOARD TO ADOPT A SEX-RELATED
3 EDUCATION POLICY TO IMPLEMENT ABSTINENCE-ONLY OR ABSTINENCE-PLUS
4 EDUCATION INTO ITS LOCAL SCHOOL DISTRICT'S CURRICULUM BY JUNE 30,
5 2012, OR TO REQUIRE THE LOCAL SCHOOL BOARD TO ADOPT THE PROGRAM
6 DEVELOPED BY THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES AND THE
7 DEPARTMENT OF HEALTH; TO REQUIRE THE STATE DEPARTMENT TO APPROVE
8 EACH DISTRICT'S CURRICULUM FOR SEX-RELATED EDUCATION AND ESTABLISH
9 A PROTOCOL TO BE USED BY DISTRICTS TO PROVIDE CONTINUITY IN
10 TEACHING THE APPROVED CURRICULUM; TO PROVIDE THAT INSTRUCTION IN
11 SCHOOL DISTRICTS IMPLEMENTING ABSTINENCE-PLUS EDUCATION INTO THE
12 CURRICULUM MAY BE EXPANDED BEYOND THE INSTRUCTION FOR
13 ABSTINENCE-ONLY EDUCATION WITHIN PARAMETERS APPROVED BY THE
14 DEPARTMENT; TO DEFINE ABSTINENCE-PLUS EDUCATION; TO REMOVE THE
15 AUTHORITY GIVEN TO LOCAL SCHOOL BOARDS TO VOTE IN FAVOR OF
16 TEACHING SEX EDUCATION WITHOUT ANY INSTRUCTION ON ABSTINENCE; TO
17 PROHIBIT ANY TEACHING THAT ABORTION CAN BE USED TO PREVENT THE
18 BIRTH OF A BABY; TO REQUIRE BOYS AND GIRLS TO BE SEPARATED INTO
19 DIFFERENT CLASSES BY GENDER AT ALL TIMES WHEN SEX-RELATED
20 EDUCATION IS DISCUSSED OR TAUGHT; TO REQUIRE THE DEPARTMENT OF
21 HUMAN SERVICES AND THE DEPARTMENT OF HEALTH TO DEVELOP CERTAIN
22 PROGRAMS AND STRATEGIES PROMOTING PREGNANCY PREVENTION AND
23 PROVIDING INFORMATION ON THE CONSEQUENCES OF UNPROTECTED,
24 UNINFORMED AND UNDERAGE SEXUAL ACTIVITY; TO PROVIDE FOR THE REPEAL
25 OF THIS SECTION ON JULY 1, 2016; TO AMEND SECTION 37-13-173,
26 MISSISSIPPI CODE OF 1972, RELATING TO PARENTAL NOTICE; TO AMEND
27 SECTION 2, CHAPTER 507, LAWS OF 2009, TO REVISE THE DUTIES OF THE
28 TEEN PREGNANCY PREVENTION TASK FORCE AND TO EXTEND THE DATE OF THE
29 REPEAL ON THE TASK FORCE TO JULY 1, 2016; TO REQUIRE THE STATE
30 DEPARTMENT OF HEALTH AND THE STATE DEPARTMENT OF EDUCATION,
31 SUBJECT TO THE AVAILABILITY OF FUNDS, TO ESTABLISH A PILOT PROGRAM
32 IN EACH HEALTH CARE DISTRICT, TO BE LOCATED IN A SCHOOL DISTRICT
33 IN A COUNTY HAVING THE HIGHEST NUMBER OF TEEN PREGNANCIES; TO
34 REQUIRE THOSE AGENCIES TO PROVIDE CERTAIN EDUCATIONAL SERVICES
35 THROUGH QUALIFIED PERSONNEL; AND FOR RELATED PURPOSES.

36 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

37 **SECTION 1.** Section 37-13-171, Mississippi Code of 1972, is
38 amended as follows:

39 37-13-171. (1) The local school board of every public
40 school district shall adopt a policy to implement abstinence-only
41 or abstinence-plus education into its curriculum by June 30, 2012,



42 which instruction in those subjects shall be implemented not later
43 than the start of the 2012-2013 school year or the local school
44 board shall adopt the program which has been developed by the
45 Mississippi Department of Human Services and the Mississippi
46 Department of Health. The State Department of Education shall
47 approve each district's curriculum for sex-related education and
48 shall establish a protocol to be used by districts to provide
49 continuity in teaching the approved curriculum in a manner that is
50 age, grade and developmentally appropriate.

51 (2) Abstinence-only education shall remain the state
52 standard for any sex-related education taught in the public
53 schools. For purposes of this section, abstinence-only education
54 includes any type of instruction or program which, at an
55 appropriate age and grade:

56 (a) Teaches the social, psychological and health gains
57 to be realized by abstaining from sexual activity, and the likely
58 negative psychological and physical effects of not abstaining;

59 (b) Teaches the harmful consequences to the child, the
60 child's parents and society that bearing children out of wedlock
61 is likely to produce, including the health, educational, financial
62 and other difficulties the child and his or her parents are likely
63 to face, as well as the inappropriateness of the social and
64 economic burden placed on others;

65 (c) Teaches that unwanted sexual advances are
66 irresponsible and teaches how to reject sexual advances and how
67 alcohol and drug use increases vulnerability to sexual advances;

68 (d) Teaches that abstinence from sexual activity before
69 marriage, and fidelity within marriage, is the only certain way to
70 avoid out-of-wedlock pregnancy, sexually transmitted diseases and
71 related health problems. The instruction or program may include a
72 discussion on condoms or contraceptives, but only if that
73 discussion includes a factual presentation of the risks and
74 failure rates * * * of those contraceptives. In no case shall the



75 instruction or program include any demonstration of how condoms or
76 other contraceptives are applied;

77 (e) Teaches the current state law related to sexual
78 conduct, including forcible rape, statutory rape, paternity
79 establishment, child support and homosexual activity; and

80 (f) Teaches that a mutually faithful, monogamous
81 relationship in the context of marriage is the only appropriate
82 setting for sexual intercourse.

83 (3) A program or instruction on sex-related education need
84 not include every component listed in subsection (2) of this
85 section for abstinence-only education. However, no program or
86 instruction under an abstinence-only curriculum may include
87 anything that contradicts the excluded components. For purposes
88 of this section, abstinence-plus education includes every
89 component listed under subsection (2) of this section that is age
90 and grade appropriate, in addition to any other programmatic or
91 instructional component approved by the department, which shall
92 not include instruction and demonstrations on the application and
93 use of condoms. Abstinence-plus education may discuss other
94 contraceptives, the nature, causes and effects of sexually
95 transmitted diseases, or the prevention of sexually transmitted
96 diseases, including HIV/AIDS, along with a factual presentation of
97 the risks and failure rates.

98 (4) Any course containing sex-related education offered in
99 the public schools shall include instruction in either
100 abstinence-only or abstinence-plus education. * * *

101 (5) Local school districts, in their discretion, may host
102 programs designed to teach parents how to discuss abstinence with
103 their children.

104 (6) There shall be no effort in either an abstinence-only or
105 an abstinence-plus curriculum to teach that abortion can be used
106 to prevent the birth of a baby.



107 (7) At all times when sex-related education is discussed or
108 taught, boys and girls shall be separated according to gender into
109 different classrooms, sex-related education instruction may not be
110 conducted when boys and girls are in the company of any students
111 of the opposite gender.

112 (8) This section shall stand repealed on July 1, 2016.

113 **SECTION 2.** (1) The Mississippi Department of Human Services
114 shall develop programs to accomplish the purpose of one or more of
115 the following strategies:

116 (a) Promoting effective communication among families
117 about preventing teen pregnancy, particularly communication among
118 parents or guardians and their children;

119 (b) Educating community members about the consequences
120 of unprotected, uninformed and underage sexual activity and teen
121 pregnancy;

122 (c) Encouraging young people to postpone sexual
123 activity and prepare for a healthy, successful adulthood,
124 including teaching them skills to avoid making or receiving
125 unwanted verbal, physical, and sexual advances;

126 (d) Providing medically accurate information about the
127 health benefits and side effects of all contraceptives and barrier
128 methods as a means to prevent pregnancy and reduce the risk of
129 contracting sexually transmitted infections, including HIV/AIDS;
130 or

131 (e) Providing educational information, including
132 medically accurate information about the health benefits and side
133 effects of all contraceptives and barrier methods, for young
134 people in those communities who are already sexually active or are
135 at risk of becoming sexually active and inform young people in
136 those communities about the responsibilities and consequences of
137 being a parent, and how early pregnancy and parenthood can
138 interfere with educational and other goals.



139 (2) The State Department of Health shall develop programs
140 with the following strategies:

141 (a) To carry out activities, including counseling, to
142 prevent unintended pregnancy and sexually transmitted infections,
143 including HIV/AIDS, among teens;

144 (b) To provide necessary social and cultural support
145 services regarding teen pregnancy;

146 (c) To provide health and educational services related
147 to the prevention of unintended pregnancy and sexually transmitted
148 infections, including HIV/AIDS, among teens;

149 (d) To promote better health and educational outcomes
150 among pregnant teens; and

151 (e) To provide training for individuals who plan to
152 work in school-based support programs regarding the prevention of
153 unintended pregnancy and sexually transmitted infections,
154 including HIV/AIDS, among teens.

155 (3) It shall be the responsibility of school nurses employed
156 by local school districts implementing the program developed by
157 the State Department of Health under subsection (2) of this
158 section to carry out the functions of those strategies to promote
159 consistency in the administration of the program.

160 **SECTION 3.** Section 37-13-173, Mississippi Code of 1972, is
161 amended as follows:

162 37-13-173. Each school providing instruction or any other
163 presentation on human sexuality in the classroom, assembly or
164 other official setting shall be required to provide no less than
165 one (1) week's written notice thereof to the parents of children
166 in such programs of instruction. The written notice must inform
167 the parents of their right to request the inclusion of their child
168 for such instruction or presentation. The notice also must inform
169 the parents of the right, and the appropriate process, to review
170 the curriculum and all materials to be used in the lesson or
171 presentation. Upon the request of any parent, the school shall



172 excuse the parent's child from such instruction or presentation,
173 without detriment to the student.

174 **SECTION 4.** Section 2, Chapter 507, Laws of 2009, is amended
175 as follows:

176 Section 2. (1) There is created the Teen Pregnancy
177 Prevention Task Force to study and make recommendation to the
178 Legislature on the implementation of sex-related educational
179 courses through abstinence-only or abstinence-plus education into
180 the curriculum of local school districts and the coordination of
181 services by certain state agencies to reduce teen pregnancy and
182 provide prenatal and postnatal training to expectant teen parents
183 in Mississippi. The task force shall make an annual report of its
184 findings and recommendations to the Legislature beginning with the
185 2012 Regular Session.

186 (2) The task force shall be composed of the following
187 seventeen (17) members:

188 (a) The Chairmen of the Senate and House Public Health
189 and Welfare Committees, or their designees;

190 (b) The Chairmen of the Senate and House Education
191 Committees, or their designees;

192 (c) The Chairman of the House Select Committee on
193 Poverty;

194 (d) One (1) member of the Senate appointed by the
195 Lieutenant Governor;

196 (e) The Executive Director of the Department of Human
197 Services, or his or her designee;

198 (f) The State Health Officer, or his or her designee;

199 (g) The State Superintendent of Public Education, or
200 his or her designee;

201 (h) The Executive Director of the Division of Medicaid,
202 or his or her designee;

203 (i) The Executive Director of the State Department of
204 Mental Health, or his or her designee;



205 (j) The Vice Chancellor for Health Affairs and Dean of
206 the University of Mississippi Medical Center School of Medicine,
207 or his or her designee;

208 (k) Two (2) representatives of the private health or
209 social services sector appointed by the Governor;

210 (l) One (1) representative of the private health or
211 social services sector appointed by the Lieutenant Governor; * * *

212 (m) One (1) representative of the private health or
213 social services sector appointed by the Speaker of the House of
214 Representatives; and

215 (n) One (1) representative from a local community-based
216 youth organization that teaches or has taught a federal or local
217 school district approved curriculum.

218 (3) Appointments shall be made within thirty (30) days after
219 the effective date of this act, and, within fifteen (15) days
220 thereafter on a day to be designated jointly by the Speaker of the
221 House and the Lieutenant Governor, the task force shall meet and
222 organize by selecting from its membership a chairman and a vice
223 chairman. The vice chairman shall also serve as secretary and
224 shall be responsible for keeping all records of the task force. A
225 majority of the members of the task force shall constitute a
226 quorum. In the selection of its officers and the adoption of
227 rules, resolutions and reports, an affirmative vote of a majority
228 of the task force shall be required. All members shall be
229 notified in writing of all meetings, the notices to be mailed at
230 least fifteen (15) days before the date on which a meeting is to
231 be held. If a vacancy occurs on the task force, the vacancy shall
232 be filled in the manner that the original appointment was made.

233 (4) Members of the task force who are not legislators, state
234 officials or state employees shall be compensated at the per diem
235 rate authorized by Section 25-3-69 and shall be reimbursed in
236 accordance with Section 25-3-41 for mileage and actual expenses
237 incurred in the performance of their duties. Legislative members



238 of the task force shall be paid from the contingent expense funds
239 of their respective houses in the same manner as provided for
240 committee meetings when the Legislature is not in session.
241 However, no per diem or expense for attending meetings of the task
242 force may be paid to legislative members of the task force while
243 the Legislature is in session. No task force member may incur per
244 diem, travel or other expenses unless previously authorized by
245 vote, at a meeting of the task force, which action shall be
246 recorded in the official minutes of the meeting. Nonlegislative
247 members shall be paid from any funds made available to the task
248 force for that purpose.

249 (5) The task force shall use clerical and legal staff
250 already employed by the Legislature and any other staff assistance
251 made available to it by the Department of Health, the Mississippi
252 Department of Human Services, the Department of Mental Health, the
253 State Department of Education and the Division of Medicaid. To
254 effectuate the purposes of this section, any department, division,
255 board, bureau, commission or agency of the state or of any
256 political subdivision thereof shall, at the request of the
257 chairman of the task force, provide to the task force such
258 facilities, assistance and data as will enable the task force
259 properly to carry out its duties.

260 (6) In order to carry out the functions and responsibilities
261 necessary to study and make recommendations to the Legislature,
262 the Teen Pregnancy Prevention Task Force shall:

263 (a) Form task force subgroups based on specific areas
264 of expertise;

265 (b) Review and consider coordinated services and plans
266 and related studies done by or through existing state agencies and
267 advisory, policy or research organizations to reduce teen
268 pregnancy and provide the necessary prenatal and postnatal
269 training to expectant teen parents;



270 (c) Review and consider statewide and regional planning
271 initiatives related to teen pregnancy;

272 (d) Consider efforts of stakeholder groups to comply
273 with federal requirements for coordinated planning and service
274 delivery; * * *

275 (e) Evaluate the implementation of sex-related
276 educational courses through abstinence-only or abstinence-plus
277 education in local school districts throughout the state;

278 (f) Evaluate the effect of the adoption of a required
279 sex education policy on teen pregnancy rates and dropout rates due
280 to teen pregnancy on the local school district and statewide
281 levels;

282 (g) Compare and analyze data in districts adopting and
283 implementing abstinence-only education to districts adopting
284 abstinence-plus education;

285 (h) Require the Department of Health, the Mississippi
286 Department of Human Services, the Department of Mental Health, the
287 State Department of Education and the Division of Medicaid to
288 conduct a study of community programs available throughout the
289 state, and the areas wherein they are located, which provide
290 programs of instruction on sexual behavior and assistance to teen
291 parents; and

292 (i) Work through the Department of Health, the
293 Mississippi Department of Human Services, the Department of Mental
294 Health, the State Department of Education and the Division of
295 Medicaid to cause any studies, assessments and analyses to be
296 conducted as may be deemed necessary by the task force.

297 (7) This section shall stand repealed on July 1, 2016.

298 **SECTION 5.** (1) Beginning with the 2012-2013 school year, to
299 the extent that federal or state funds are available and
300 appropriated by the Legislature for the purposes of establishing
301 and implementing the Prevention of Teen Pregnancy Pilot Program
302 authorized by Section 41-79-5, the State Department of Health in



303 conjunction with the State Department of Education shall establish
304 a pilot program in each of the nine (9) health districts as
305 defined by the State Department of Health, to be located in a
306 school district in a county in that district having the highest
307 number of teen pregnancies.

308 (2) The State Department of Health and the State Department
309 of Education shall jointly provide education services through
310 qualified personnel to increase awareness of the health, social
311 and economic risks associated with teen pregnancy. The services
312 and curriculum provided shall have a primary emphasis on reducing
313 the teenage pregnancy rate in those pilot districts.

314 **SECTION 6.** This act shall take effect and be in force from
315 and after July 1, 2011.

