

HOUSE BILL 2434

By Camper

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 6, relative to sex education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by deleting part 13.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Abstinence" means not participating in any activity that puts an individual at risk for pregnancy or a sexually transmitted disease;

(2) "Age-appropriate" means designed to teach concepts, information, and skills based on the social, cognitive, emotional, and experience level of most students at a particular age level;

(3) "Medically accurate" means information that is grounded in evidence-based, peer-reviewed science and research;

(4) "Parent" means the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001;

(5) "Sexual activity" means sexual penetration, as defined in § 39-13-501, or sexual contact, as defined in § 39-13-501, or both; and

(6) "Sexually transmitted disease" means a disease that is caused by a bacteria, virus, or parasite that is transmitted from one person to another during sexual contact, as defined in § 39-13-501. A sexually transmitted disease is also referred to as a sexually transmitted infection.

(b) Each LEA and public charter school that serves any of the grades kindergarten through twelve (K-12) shall provide the LEA's or public charter school's students with a medically accurate, age-appropriate sex education that teaches students:

(1) The benefits of abstinence and delaying sexual activity;

(2) The importance of effectively using contraceptives and barrier methods to prevent unintended pregnancy and sexually transmitted diseases, including human immunodeficiency virus (HIV);

(3) The age of consent, and that an affirmative, conscious, and voluntary agreement to engage in a sexual activity is required for valid consent;

(4) How sexual activity results in pregnancy and the effects of pregnancy;

(5) How to communicate with a parent or other trusted adult about sex;

(6) How to develop the relationship and communication skills to form healthy, respectful relationships free of violence, coercion, and intimidation; and

(7) How to make healthy decisions about relationships and sexual activity.

(c) The sex education required under this section must be appropriate for students regardless of the student's gender, race, disability status, or sexual orientation.

(d)

(1) The department of education shall develop a sex education curriculum that complies with the requirements of this section.

(2) An LEA or public charter school shall implement the curriculum developed by the department under subdivision (d)(1), or may develop its own sex education curriculum that complies with the requirements of this section. If an LEA or public charter school develops its own sex education curriculum, then the LEA or public charter school must submit the curriculum to the department of education for approval. An LEA or public charter school shall not implement any

sex education curriculum developed under this subdivision (d)(2) unless it has been approved by the department of education.

(e) Each LEA and public charter school shall, no later than thirty (30) days before commencing any instruction of the sex education required under this section, notify parents of students who will receive the instruction that:

(1) Sex education is required by state law; and

(2) The parent has the right:

(A) To examine the instructional materials and to confer with the parent's student's teacher, school counselor, or principal about the sex education required under this section; and

(B) To excuse the parent's student from any or all portions of the sex education required under this section.

(f) A parent who wishes to excuse the parent's student from sex education must submit a request, in writing, to the student's principal. A student who is excused from any or all portions of the sex education required under this section shall not be penalized for grading purposes if the student satisfactorily performs alternative health lessons.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2020-2021 school year and each school year thereafter.