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EDUCATION

HOUSE FILE 605  
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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to human growth and development and health  
2 education under the education standards, authorizing school  
3 districts and nonpublic schools to provide comprehensive  
4 sexual health education, and establishing related duties for  
5 the director of the department of education.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF-605

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1 Section 1. Section 256.9, Code 2005, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 53. Prepare and make available to school  
4 districts and accredited nonpublic schools courses of  
5 instruction that meet the requirements of section 280.28. The  
6 director shall set forth standards and criteria for  
7 professional development related to these courses of  
8 instruction for school districts, accredited nonpublic  
9 schools, area education agencies, and practitioner preparation  
10 programs which encourage cooperative planning and voluntary  
11 professional development for all school personnel that provide  
12 health, human growth and development, or family education and  
13 request the training, through regional planning, joint powers  
14 agreements, or contract services; and which provide for  
15 periodic, voluntary, professional development training to  
16 update school personnel regarding new developments in health,  
17 human growth and development, or family education. The  
18 director shall also develop a procedure for evaluating human  
19 growth and development, health education, and family life  
20 curricula in each school district and accredited nonpublic  
21 school offering comprehensive sexual health education in order  
22 to determine compliance with the provisions of section 280.28.

23 Sec. 2. Section 256.11, subsections 3 and 4, Code 2005,  
24 are amended to read as follows:

25 3. The following areas shall be taught in grades one  
26 through six: English-language arts, social studies,  
27 mathematics, science, health, age-appropriate and science-  
28 based human growth and development, physical education,  
29 traffic safety, music, and visual art. The health curriculum  
30 shall include the characteristics of communicable diseases  
31 including acquired immune deficiency syndrome. The state  
32 board as part of accreditation standards shall adopt  
33 curriculum definitions for implementing the elementary  
34 program.

35 4. The following shall be taught in grades seven and

1 eight: English-language arts; social studies; mathematics;  
2 science; health; age-appropriate and science-based human  
3 growth and development, family, consumer, career, and  
4 technology education; physical education; music; and visual  
5 art. The health curriculum shall include age-appropriate and  
6 science-based information regarding the characteristics of  
7 sexually transmitted diseases and acquired immune deficiency  
8 syndrome. The state board as part of accreditation standards  
9 shall adopt curriculum definitions for implementing the  
10 program in grades seven and eight. However, this subsection  
11 shall not apply to the teaching of family, consumer, career,  
12 and technology education in nonpublic schools.

13 Sec. 3. Section 256.11, subsection 5, paragraph j, Code  
14 2005, is amended to read as follows:

15 j. One unit of health education which shall include  
16 personal health; food and nutrition; environmental health;  
17 safety and survival skills; consumer health; family life; age-  
18 appropriate and science-based human growth and development;  
19 substance abuse and nonuse; emotional and social health;  
20 health resources; and prevention and control of disease,  
21 including age-appropriate and science-based information  
22 regarding sexually transmitted diseases and acquired immune  
23 deficiency syndrome.

24 Sec. 4. NEW SECTION. 280.28 SEXUAL HEALTH EDUCATION  
25 AUTHORIZED.

26 1. The board of directors of each school district and the  
27 authorities in charge of each nonpublic school may provide  
28 age-appropriate, comprehensive sexual health education as part  
29 of the health, human growth and development, or family  
30 education curriculum taught in accordance with section 256.11.

31 2. The school district or school may train school  
32 personnel or contract with consultants who have expertise in  
33 comprehensive sexual health education to deliver the  
34 instruction authorized by this section.

35 3. Whether taught by school district or school personnel

1 or by outside consultants, the comprehensive sexual health  
2 education provided in accordance with subsection 1 shall meet  
3 all of the following criteria:

4 a. Instruction and materials used shall be age-  
5 appropriate.

6 b. All factual information presented shall be science-  
7 based and objective.

8 c. Instruction for a student who is limited English  
9 proficient shall be as required pursuant to section 280.4, and  
10 shall be consistent with the existing curriculum and  
11 alternative options for a student who is limited English  
12 proficient.

13 d. Instruction and materials shall meet all of the  
14 following conditions:

15 (1) Are appropriate for use with students of all ethnic  
16 and racial groups, sexual orientations, genders, and physical  
17 and mental abilities.

18 (2) Are accessible to students with disabilities,  
19 including but not limited to, the provision of a modified  
20 curriculum, materials, and instruction in alternative formats,  
21 and auxiliary aids.

22 (3) Encourage a student to communicate with the student's  
23 parent or guardian about human sexuality.

24 (4) Teach students to recognize unwanted physical and  
25 verbal sexual advances, not to make unwanted physical and  
26 verbal sexual advances, and how to effectively reject unwanted  
27 sexual advances. The instruction and materials shall cover  
28 verbal, physical, and visual sexual harassment, including  
29 nonconsensual sexual advances, nonconsensual physical sexual  
30 contact, and rape by an acquaintance or family member. The  
31 course information and materials shall emphasize personal  
32 accountability and respect for others and shall also encourage  
33 youth to resist peer pressure.

34 (5) Teach that it is wrong to take advantage of or exploit  
35 another person.

1 (6) Teach students about counseling, medical, and legal  
2 resources available to survivors of sexual abuse and sexual  
3 assault, including resources for escaping violent  
4 relationships.

5 (7) Teach, commencing in grade seven, the value of  
6 abstinence, that abstinence from sexual intercourse is the  
7 only certain way to prevent unintended pregnancy, that  
8 abstinence from sexual activity is the only certain way to  
9 prevent sexually transmitted diseases, and provide science-  
10 based information on other methods of preventing pregnancy and  
11 sexually transmitted diseases and HIV.

12 (8) Teach, commencing in grade seven, about sexually  
13 transmitted diseases, including how sexually transmitted  
14 diseases are and are not transmitted, the effectiveness and  
15 safety of all federal food and drug administration-approved  
16 methods of reducing the risk of contracting sexually  
17 transmitted diseases, and identify local resources for testing  
18 and medical care for sexually transmitted diseases and HIV.

19 (9) Provide, commencing in grade seven, data regarding the  
20 effectiveness and safety of all federal food and drug  
21 administration-approved contraceptive methods in preventing  
22 pregnancy, including but not limited to, emergency  
23 contraception.

24 (10) Provide, commencing in grade seven, students with  
25 skills for making and implementing responsible decisions about  
26 sexuality.

27 4. If the board of directors of a school district or the  
28 authorities in charge of a nonpublic school elect not to  
29 provide comprehensive sexual health education in accordance  
30 with subsection 1, the school district or school shall, at the  
31 beginning of each school year, send a notice to the parent or  
32 guardian of each student enrolled in the school district or  
33 school that explains all of the following:

34 a. That the state authorizes age-appropriate,  
35 comprehensive sexual health education in kindergarten through

1 grade twelve.

2 b. The criteria for comprehensive sexual health education  
3 set forth in subsection 3.

4 c. That comprehensive sexual health education is not being  
5 offered to the student.

6 5. A pupil shall not be required to take comprehensive  
7 sexual health education instruction if the parent or guardian  
8 files with the appropriate principal a written request that  
9 the pupil be excused from the instruction.

10 6. For purposes of this section and section 256.11, unless  
11 the context otherwise requires:

12 a. "Age-appropriate" means topics, messages, and teaching  
13 methods suitable to particular ages or age groups of children  
14 and adolescents, based on developing cognitive, emotional, and  
15 behavioral capacity typical for the age or age group.

16 b. "HIV" means HIV as defined in section 141A.1.

17 c. "Science-based" means all of the following:

18 (1) Complete information that is verified or supported by  
19 the weight of research conducted in compliance with accepted  
20 scientific methods; recognized as accurate and objective by  
21 leading professional organizations and agencies with relevant  
22 expertise in the field, such as the American college of  
23 obstetricians and gynecologists, the American public health  
24 association, and the American academy of pediatrics; and  
25 published in peer-reviewed journals where appropriate.

26 (2) Information that is free of racial, ethnic, sexual  
27 orientation, and gender biases.

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EXPLANATION

29 This bill requires that the educational program which  
30 school districts and accredited nonpublic schools provide  
31 include, in the human growth and development areas and the  
32 health curriculum or health education unit, age-appropriate  
33 and science-based information; permits school districts and  
34 accredited nonpublic schools to offer comprehensive sexual  
35 health education in kindergarten through grade 12; and

1 requires the director of the department of education to  
2 prepare and make available to school districts and accredited  
3 nonpublic schools courses of instruction in comprehensive  
4 sexual health education, and to set forth standards and  
5 criteria for professional development which education  
6 institutions may use in preparing practitioners to teach  
7 comprehensive sexual health education.

8 The bill specifies that the standards and criteria for  
9 professional development set forth by the director must  
10 encourage cooperative planning and voluntary professional  
11 development for all school personnel that provide health,  
12 human growth and development, or family education and request  
13 the training; and provide for periodic, voluntary,  
14 professional development training to update school personnel  
15 regarding new developments in health, human growth and  
16 development, or family education. The director is also  
17 required to develop a procedure for evaluating human growth  
18 and development education, health education, and family life  
19 curricula in each school district and accredited nonpublic  
20 school offering comprehensive sexual health education.

21 The bill authorizes school districts and accredited  
22 nonpublic schools to provide age-appropriate, comprehensive  
23 sexual health education as part of the health, human growth  
24 and development, or family education curriculum under the  
25 educational standards in kindergarten through grade 12, and  
26 permits the school districts and schools to train school  
27 personnel or contract with consultants to deliver the  
28 instruction. However, the bill establishes criteria for the  
29 information and materials that schools must adhere to when  
30 providing the instruction. A pupil must be excused from the  
31 instruction if the pupil's parent or guardian files with the  
32 principal a written request to excuse the pupil from the  
33 instruction.

34 If a school district or nonpublic school elects not to  
35 provide comprehensive sexual health education as set forth in

1 the bill, the school district or school must, at the beginning  
2 of each school year, send a notice to the parent or guardian  
3 of each student enrolled in the school district or school that  
4 explains that the state authorizes comprehensive sexual health  
5 education, the criteria for comprehensive sexual health  
6 education, and that comprehensive sexual health education is  
7 not being offered to the student.

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