



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4007

Introduced 1/8/2020, by Rep. Maurice A. West, II - Jonathan Carroll

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-9.1

from Ch. 122, par. 27-9.1

Amends the School Code. Provides that sex education course material and instruction in grades 6 through 12 must include an age-appropriate discussion on sexting; defines "sexting". Provides that the discussion on sexting must include an exploration of: (i) the possible consequences of sexting, (ii) the identification of situations in which bullying or harassment result from sexting, (iii) the possible long-term consequences of sexting, (iv) the importance of using the Internet safely, (v) the identification of individuals in the school or community that may be contacted for assistance with issues, concerns, or problems, and (vi) the development of strategies for resisting peer pressure and for communicating in a positive manner. Effective immediately.

LRB101 15560 CMG 64904 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) In this Section:

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

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

16 "Evidence-based program" means a program for which
17 systematic, empirical research or evaluation has provided
18 evidence of effectiveness.

19 "Medically accurate" means verified or supported by the
20 weight of research conducted in compliance with accepted
21 scientific methods and published in peer-reviewed journals, if
22 applicable, or comprising information recognized as accurate,
23 objective, and complete.

1 "Sexting" means the act of sending, sharing, receiving, or
2 forwarding a sexually explicit or sexually suggestive image,
3 video, or text message by a digital or electronic device,
4 including, but not limited to, a mobile or cellular telephone
5 or a computer.

6 (a-5) No pupil shall be required to take or participate in
7 any class or course in comprehensive sex education if his
8 parent or guardian submits written objection thereto, and
9 refusal to take or participate in such course or program shall
10 not be reason for suspension or expulsion of such pupil. Each
11 class or course in comprehensive sex education offered in any
12 of grades 6 through 12 shall include instruction on both
13 abstinence and contraception for the prevention of pregnancy
14 and sexually transmitted diseases, including HIV/AIDS. Nothing
15 in this Section prohibits instruction in sanitation, hygiene or
16 traditional courses in biology.

17 (b) All public school classes that teach sex education and
18 discuss sexual intercourse in grades 6 through 12 shall
19 emphasize that abstinence from sexual intercourse is a
20 responsible and positive decision and is the only protection
21 that is 100% effective against unwanted teenage pregnancy,
22 sexually transmitted diseases, and acquired immune deficiency
23 syndrome (AIDS) when transmitted sexually.

24 (c) All classes that teach sex education and discuss sexual
25 intercourse in grades 6 through 12 shall satisfy the following
26 criteria:

1 (1) Course material and instruction shall be
2 developmentally and age appropriate, medically accurate,
3 and complete.

4 (1.5) Course material and instruction shall replicate
5 evidence-based programs or substantially incorporate
6 elements of evidence-based programs.

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

9 (3) Course material and instruction shall place
10 substantial emphasis on both abstinence, including
11 abstinence until marriage, and contraception for the
12 prevention of pregnancy and sexually transmitted diseases
13 among youth and shall stress that abstinence is the ensured
14 method of avoiding unintended pregnancy, sexually
15 transmitted diseases, and HIV/AIDS.

16 (4) Course material and instruction shall include a
17 discussion of the possible emotional and psychological
18 consequences of preadolescent and adolescent sexual
19 intercourse and the consequences of unwanted adolescent
20 pregnancy.

21 (5) Course material and instruction shall stress that
22 sexually transmitted diseases are serious possible hazards
23 of sexual intercourse. Pupils shall be provided with
24 statistics based on the latest medical information citing
25 the failure and success rates of condoms in preventing AIDS
26 and other sexually transmitted diseases.

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

4 (7) Course material and instruction shall advise
5 pupils of the circumstances under which it is unlawful for
6 a person to have sexual relations with an individual who is
7 under the age of 17 and for a person who is in a position of
8 trust, authority, or supervision to have sexual relations
9 with an individual who is under the age of 18 pursuant to
10 Article 11 of the Criminal Code of 2012.

11 (8) Course material and instruction shall teach pupils
12 to not make unwanted physical and verbal sexual advances
13 and how to say no to unwanted sexual advances. Pupils shall
14 be taught that it is wrong to take advantage of or to
15 exploit another person. The material and instruction shall
16 also encourage youth to resist negative peer pressure. The
17 material and instruction shall include discussion on what
18 may be considered sexual harassment or sexual assault.

19 (9) (Blank).

20 (10) Course material and instruction shall teach
21 pupils about the dangers associated with drug and alcohol
22 consumption during pregnancy.

23 (11) Course material and instruction must include an
24 age-appropriate discussion on the meaning of consent that
25 includes discussion on recognizing all of the following:

26 (A) That consent is a freely given agreement to

1 sexual activity.

2 (B) That consent to one particular sexual activity
3 does not constitute consent to other types of sexual
4 activities.

5 (C) That a person's lack of verbal or physical
6 resistance or submission resulting from the use or
7 threat of force does not constitute consent.

8 (D) That a person's manner of dress does not
9 constitute consent.

10 (E) That a person's consent to past sexual activity
11 does not constitute consent to future sexual activity.

12 (F) That a person's consent to engage in sexual
13 activity with one person does not constitute consent to
14 engage in sexual activity with another person.

15 (G) That a person can withdraw consent at any time.

16 (H) That a person cannot consent to sexual activity
17 if that person is unable to understand the nature of
18 the activity or give knowing consent due to certain
19 circumstances that include, but are not limited to, (i)
20 the person is incapacitated due to the use or influence
21 of alcohol or drugs, (ii) the person is asleep or
22 unconscious, (iii) the person is a minor, or (iv) the
23 person is incapacitated due to a mental disability.

24 (12) Course material and instruction shall include an
25 age-appropriate discussion about sexting. The discussion
26 about sexting must include an exploration of all of the

1 following areas:

2 (A) The possible consequences of sharing or
3 forwarding sexually explicit or sexually suggestive
4 photographs or images, videos, or text messages.

5 (B) The identification of situations in which
6 bullying or harassment may result as a consequence of
7 sexting.

8 (C) The possible long-term legal, social,
9 academic, and other consequences that may result from
10 possessing sexual content.

11 (D) The importance of using the Internet safely and
12 how sexting may pose a risk on the Internet.

13 (E) The identification of individuals in school,
14 such as a teacher, school social worker, or counselor,
15 or in the community, such as a police officer or
16 community leader, who may be contacted for assistance
17 with issues, concerns, or problems.

18 (F) The development of strategies for resisting
19 peer pressure and for communicating in a positive
20 manner.

21 (d) An opportunity shall be afforded to individuals,
22 including parents or guardians, to examine the instructional
23 materials to be used in such class or course.

24 (e) The State Board of Education shall make available
25 resource materials, with the cooperation and input of the
26 agency that administers grant programs consistent with

1 criteria (1) and (1.5) of subsection (c) of this Section, for
2 educating children regarding sex education and may take into
3 consideration the curriculum on this subject developed by other
4 states, as well as any other curricular materials suggested by
5 education experts and other groups that work on sex education
6 issues. Materials may include without limitation model sex
7 education curriculums and sexual health education programs.
8 The State Board of Education shall make these resource
9 materials available on its Internet website. School districts
10 that do not currently provide sex education are not required to
11 teach sex education. If a sex education class or course is
12 offered in any of grades 6 through 12, the school district may
13 choose and adapt the developmentally and age-appropriate,
14 medically accurate, evidence-based, and complete sex education
15 curriculum that meets the specific needs of its community.

16 (Source: P.A. 100-684, eff. 8-3-18; 101-579, eff. 1-1-20.)

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