

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The School Code is amended by changing Section 27-9.1 as follows:

(105 ILCS 5/27-9.1) (from Ch. 122, par. 27-9.1)

Sec. 27-9.1. Sex education.

(a) In this Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) (Blank).

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

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

(A) That consent is a freely given agreement to

sexual activity.

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

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

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

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

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

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

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

(12) Course material and instruction shall include an age-appropriate discussion about sexting. The discussion about sexting must include an exploration of all of the following areas:

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

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

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

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

(E) The identification of individuals in school, such as a principal, teacher, school social worker, or counselor, or a trusted community leader who may be contacted for assistance with issues, concerns, or problems.

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

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

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

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

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