

House Bill 1505

By: Representatives Wade of the 9<sup>th</sup>, Donatucci of the 105<sup>th</sup>, Dempsey of the 13<sup>th</sup>, Hong of the 103<sup>rd</sup>, and Silcox of the 53<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to competencies and core curriculum under the "Quality Basic Education  
3 Act," so as to provide that the prescribed course of study in sex education and human  
4 immunodeficiency virus (HIV) prevention instruction is age appropriate and medically  
5 accurate and promotes sexual abstinence; to include the subject of personal responsibility in  
6 such course of study; to provide for implementation; to provide for a definition; to provide  
7 for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
11 relating to competencies and core curriculum under the "Quality Basic Education Act," is  
12 amended by revising Code Section 20-2-143, relating to sex education and AIDS prevention  
13 instruction, implementation, and student exemption, as follows:

14 "20-2-143.

15 (a) As used in this Code section, the term 'medically accurate' means that which is based  
16 on sound scientific evidence and accepted medical knowledge, is consistent with

H. B. 1505

17 established principles of medicine, and is supported by reputable medical authorities,  
18 research studies, and clinical evidence.

19 (a.1)(1) Each local board of education shall prescribe a an age-appropriate and medically  
20 accurate course of study in sex education and ~~AIDS~~ human immunodeficiency virus  
21 (HIV) prevention instruction for such grades and grade levels in the public school system  
22 as shall be determined by the State Board of Education. Such course of study shall  
23 implement either the minimum course of study provided for in subsection (b) of this Code  
24 section or its equivalent, as approved by the State Board of Education. Each local board  
25 of education shall be authorized to supplement and develop the exact approach of content  
26 areas of such minimum course of study with such specific curriculum standards as it may  
27 deem appropriate. Such standards shall include age-appropriate and medically accurate  
28 instruction relating to the significance of personal boundaries and responsibility in  
29 relationships, the handling of peer pressure, the promotion of high self-esteem, local  
30 community values, the legal consequences of parenthood, and abstinence from sexual  
31 activity as an effective method of prevention of pregnancy, sexually transmitted diseases,  
32 and acquired immune deficiency syndrome infections, and human immunodeficiency  
33 virus (HIV).

34 (2) In the event a local board of education offers more than one course of study in sex  
35 education, including both an abstinence based course and a comprehensive course, the  
36 local board of education shall ensure that:

37 (A) A parent or legal guardian of each student is provided the opportunity to select, in  
38 writing, the course of study in which such student will be enrolled; and

39 (B) If a parent or legal guardian does not make an affirmative written selection, the  
40 student shall be enrolled by default in the abstinence based course of study.

41 (3) Any comprehensive course of study in sex education offered pursuant to this Code  
42 section shall comply with all requirements of this Code section and applicable state law,  
43 including but not limited to, the requirement that instruction emphasize sexual abstinence

44 as the most effective and safest method of preventing pregnancy, sexually transmitted  
45 infections, and other physical, mental, and emotional harm resulting from underage  
46 sexual activity.

47 (4) Nothing in this subsection shall be construed to limit a parent's or legal guardian's  
48 right to exempt a student from sex education instruction pursuant to subsection (d) of this  
49 Code section.

50 (b) The State Board of Education shall prescribe a an age-appropriate and medically  
51 accurate minimum course of study in sex education and ~~AIDS~~ human immunodeficiency  
52 virus (HIV) prevention instruction which may be included as a part of a course of study in  
53 comprehensive health education for such grades and grade levels in the public school  
54 system as shall be determined by the state board and shall establish standards for its  
55 administration. The course may include age-appropriate and medically accurate instruction  
56 concerning human biology, conception, pregnancy, birth, sexually transmitted ~~diseases, and~~  
57 ~~acquired immune deficiency syndrome~~ infections, and human immunodeficiency virus  
58 (HIV) based on content developed by the Department of Public Health. The course shall  
59 include age-appropriate and medically accurate instruction concerning the legal  
60 consequences of parenthood, including, without being limited to, the legal obligation of  
61 both parents to support a child and legal penalties or restrictions upon failure to support a  
62 child, including, without being limited to, the possible suspension or revocation of a  
63 parent's driver's license and occupational or professional licenses. The course shall ~~also~~  
64 include annual age-appropriate instruction for students in kindergarten through grade nine  
65 concerning awareness and prevention of sexual abuse and assault ~~awareness and prevention~~  
66 ~~education in kindergarten through grade nine.~~ A manual setting out the details of such  
67 course of study shall be prepared by or approved by the State School Superintendent in  
68 cooperation with the Department of Public Health, the State Board of Education, and such  
69 expert advisers as they may choose.

70 (c) The minimum course of study to be prescribed by the State Board of Education  
71 pursuant to subsection (b) of this Code section shall be ready for implementation not later  
72 than ~~July 1, 1988~~ August 1, 2027. Each local board shall implement either such minimum  
73 course of study or its equivalent not later than July 1, ~~1989~~ 2028. Any local board of  
74 education which fails to comply with this subsection shall not be eligible to receive any  
75 state funding under this article until such minimum course of study or its equivalent has  
76 been implemented.

77 (d) Any parent or legal guardian of a child to whom the course of study set forth in this  
78 Code section is to be taught shall have the right to elect, in writing, that such child not  
79 receive such course of study.

80 (e) All curricula and courses of instruction implemented under this Code section shall  
81 emphasize sexual abstinence as the best method of optimizing student health because it is  
82 the only completely reliable method of avoiding pregnancy; sexually transmitted infections,  
83 including human immunodeficiency virus (HIV); and other physical, mental, and emotional  
84 harm resulting from underage sexual activity."

85 **SECTION 2.**

86 All laws and parts of laws in conflict with this Act are repealed.