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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 358

01/28/2021 Authored by Jordan, Lippert, Hollins, Huot, Olson, L., and others
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; requiring commissioner of education to develop a model
1.3 program for sexual health education; requiring a report; proposing coding for new
1.4 law in Minnesota Statutes, chapter 120B.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 120B.211 SEXUAL HEALTH EDUCATION.

1.7 Subdivision 1. Model program. (a) The commissioner of education must, in consultation
1.8 with the commissioner of health and other qualified experts, identify one or more model
1.9 comprehensive sexual health education programs for elementary and secondary school
1.10 students. The commissioner must use the rulemaking process under section 14.389, including
1.11 a hearing under subdivision 5, to identify a model program under this section. The
1.12 commissioner must provide school districts and charter schools with access to the model
1.13 program, including written materials, curriculum resources, and training for instructors by
1.14 June 1, 2023.

1.15 (b) The model program must include medically accurate instruction that is age and
1.16 developmentally appropriate on:

1.17 (1) human anatomy, reproduction, and sexual development;

1.18 (2) consent, bodily autonomy, and healthy relationships, including relationships involving
1.19 diverse sexual orientations and gender identities;

1.20 (3) abstinence and other methods for preventing unintended pregnancy and sexually
1.21 transmitted infections; and

1.22 (4) the relationship between substance use and sexual behavior and health.

2.1 (c) "Consent" as used in this section means affirmative, conscious, and voluntary  
2.2 agreement to engage in interpersonal, physical, or sexual activity.

2.3 (d) The model program must include notification to:

2.4 (1) students and school employees regarding criminal penalties for engaging in sexual  
2.5 contact with minors and the unavailability of mistake as to age or consent of the minor as  
2.6 a defense; and

2.7 (2) school employees and administrators that a teacher or administrator who engages in  
2.8 sexual contact with a student may be found in violation of the teacher code of ethics and  
2.9 that such conduct may be grounds for suspension or revocation of a teaching license in  
2.10 accordance with section 122A.20, subdivision 1, paragraph (a), clause (1).

2.11 Subd. 2. **School programs.** (a) Starting in the 2023-2024 school year, a school district  
2.12 or charter school must implement a comprehensive sexual health education program for  
2.13 students in elementary and secondary school, including students with disabilities and students  
2.14 enrolled in a state-approved alternative program. The sexual health education program must  
2.15 include instruction on the topics listed in subdivision 1, paragraph (b), and must:

2.16 (1) respect community values and encourage students to communicate with parents or  
2.17 guardians; faith, health, and social services professionals; and other trusted adults about  
2.18 sexuality and intimate relationships;

2.19 (2) respond to culturally diverse individuals, families, and communities in an inclusive,  
2.20 respectful, and effective manner; and

2.21 (3) provide students with information about local resources where students may obtain  
2.22 medically accurate information and services related to sexual and reproductive health, dating  
2.23 violence, and sexual assault.

2.24 (b) A school district or charter school that does not adopt the model program developed  
2.25 by the commissioner of education in accordance with subdivision 1 must submit for approval  
2.26 to the commissioner of education its sexual health education program. The commissioner  
2.27 must require a district applying for approval under this paragraph to include the following  
2.28 information in its application:

2.29 (1) the process the school district or charter school used to develop a sexual health  
2.30 education program under this section;

2.31 (2) the written materials used in the school district or charter school's sexual health  
2.32 education program; and

3.1 (3) training provided to the instructors of the school district or charter school's sexual  
 3.2 health education program.

3.3 (c) A school district or charter school that adopts a model program developed by the  
 3.4 commissioner of education in accordance with subdivision 1 must report which program it  
 3.5 selected to the commissioner, in the form and manner determined by the commissioner.

3.6 (d) Notwithstanding any law to the contrary, instruction in a sexual health education  
 3.7 program under this section may be provided by a person without a teaching license, who is  
 3.8 employed by the school district, charter school, or a community organization if the school  
 3.9 administration determines the school employee or community organization has necessary  
 3.10 content expertise.

3.11 Subd. 3. Parental review. A school district or charter school must provide instruction  
 3.12 under this section consistent with the parental curriculum review requirements in section  
 3.13 120B.20.

3.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.15 **Sec. 2. SEXUAL HEALTH EDUCATION REPORT.**

3.16 The commissioner of education must submit a report to the committees of the legislature  
 3.17 having jurisdiction over kindergarten through grade 12 education on the sexual health  
 3.18 education program required under Minnesota Statutes, section 120B.211. The report must  
 3.19 include:

3.20 (1) a description of how the model sexual health education program or programs were  
 3.21 identified;

3.22 (2) assistance provided to school districts and charter schools implementing a sexual  
 3.23 health education program;

3.24 (3) the number of school districts and charter schools that adopted each model program;  
 3.25 and

3.26 (4) a list of the school districts and charter schools that requested approval of a sexual  
 3.27 health education program in accordance with Minnesota Statutes, section 120B.211,  
 3.28 subdivision 2, paragraph (b), including any school districts and charter schools that did not  
 3.29 receive approval.

3.30 The commissioner must submit the report no later than January 15, 2024, and must submit  
 3.31 the report in accordance with Minnesota Statutes, section 3.195.