Planning and Designing Family Life Education

A. The Law Defined

In 2010, Senate Bill 3310/House Bill 3621 was introduced into Tennessee Legislation that proposed some major changes to Tennessee's family life education. This bill was adopted into Tennessee Law in 2012. This section will pull pieces of the bill directly, highlighting the most important components of the law. This section only summarizes pieces of the law. You are strongly advised to read the law in its full capacity.

TCA Title 49 Chapter 6 Part 13

The bill altered **TCA Title 49 Chapter 6 Part 13.** In this section, we will look at Parts 1301-1303.

Part 1301: This portion of the TCA defines abstinence and abstinence-based education.

- "Abstinence" means not participating in any activity that puts an individual at risk for pregnancy or a sexually transmitted disease.
- "Abstinence-based" or "abstinence-centered" means an approach that promotes sexual risk avoidance, or primary prevention, and teaches vital life skills that empower youth to identify healthy and unhealthy relationships, accurately understand sexually transmitted diseases and contraception, set goals, make healthy life decisions, and build character.
- Abstinence-centered education is a holistic approach that addresses the physical, social, emotional, psychological, economic and educational consequences of non-marital sexual activity.
- "Abstinence-centered curriculum" means that the majority of the content of a curriculum promotes sexual risk avoidance as the primary goal.

Part 1301 is important because it defines the state's expectations of abstinence-based curriculum. Tennessee is an abstinence-only state, and it expects family life education providers to adhere to these definitions. In addition to defining abstinence, Part 1301 also stipulates that curriculum must be age appropriate, evidence-based, and medically accurate.

- "Age-appropriate" means designed to teach concepts, information and skills based on the social, cognitive, emotional, and experience level of most students at a particular age level.
- "Evidence-based approach" means an approach: **1)** That has a clear theoretical base that integrates research findings with practical implementation expertise that is relevant to the field, **2)** That matches the needs and desired outcomes for the intended audience, and **3)** That if implemented well, demonstrates improved outcomes for the intended audience.
- "Medically accurate" means information that is grounded in evidence-based, peer-reviewed science and research.

Other important definitions included in Part 1301 are:

- "Family life education" means an abstinence-centered sex education program that builds a foundation of knowledge and skills relating to character development, human development, decision-making, abstinence, contraception, and disease prevention.
- "Gateway sexual activity" means sexual contact encouraging an individual to engage in a non-abstinent behavior. A person promotes a gateway sexual activity by encouraging, advocating, urging, or condoning gateway sexual activities.
- "Risk avoidance" means an approach that primarily encourages the prevention of participation in risk behaviors such as smoking, underage drinking, drug use and criminal activity, as opposed to merely reducing the consequences of those

risk behaviors such as pregnancy, sexually transmitted diseases and infections, dating violence, and sexual aggression.

- "Sexual activity" means sexual penetration or sexual contact, or both.
- "Sexual intercourse" means that a penis is inserted into a vagina, mouth, or anus.
- "Sexually transmitted disease" (STD) means a disease that is caused by bacteria, virus or parasite that is transmitted from one person to another during sexual contact. A sexually transmitted disease is also referred to as a sexually transmitted infection (STI).

In summary, Part 1301 provides us with the most important legal definitions in regards to family life education.

Part 1302 focuses on who is required to provide family life education and the consequences for not providing it.

- Beginning with the 1991-1992 school year, if the most recent, annual data maintained by the department of health, state center for health statistics, indicate that pregnancy rates in any county exceeded nineteen and five tenths (19.5) pregnancies per one thousand (1,000) females aged eleven (11) through eighteen (18), then every LEA within the county shall locally devise, adopt, and implement a program of family life education in conformance with the curriculum guidelines established for such programs by this section.
- Notwithstanding any other law to the contrary, failure of an LEA to comply with this subsection (a) shall subject the LEA to the withholding of state funds by the commissioner.

Part 1303 stipulates who may provide family life education.

- Nothing in this part shall prohibit an LEA from utilizing the services of a qualified health care professional or social worker to assist in teaching family life.

- An LEA shall not utilize the services of any individual or organization to assist in teaching family life if that individual or organization endorses student non-abstinence as an appropriate or acceptable behavior, or if that individual or organization promotes gateway sexual activity.

The first three parts of the law cover many of the important legal definitions. However, there are several equally important curriculum components which will be detailed in the next section.

B. Required Curriculum Components

In addition to legal definitions, the law clearly defines what material is to be covered in family life education. In this section, we will review Part 1304.

Part 1304 covers what material is to be covered in family life education.

- The ideal family life education program provides age-appropriate sex education beginning in kindergarten and continuing through the twelfth grade. At each developmental stage, a family life education program should teach age appropriate, medically accurate information that builds upon the knowledge and skills that were taught in the previous stage.

- A family life curriculum shall, to the extent that the topic and the manner of communication is age-appropriate:

  1) Exclusively and emphatically promote sexual risk avoidance through abstinence, regardless of a student's current or prior sexual experience.

  2) Encourage sexual health by helping students understand how sexual activity affects the whole person including the physical, social, emotional, psychological, economic and educational consequences of non-marital sexual activity.

3) Teach the positive results of avoiding sexual activity, the skills needed to make healthy decisions, the advantages of and skills for student success in pursuing educational and life goals, the components of healthy relationships, and the social science research supporting the benefits of reserving the expression of human sexual activity for marriage.

4) Provide factually and medically-accurate information.

5) Teach students how to form pro-social habits that enable students to develop healthy relationships, create strong marriages, and form safe and stable future families.

6) Encourage students to communicate with a parent, guardian, or other trusted adult about sex or other risk behaviors.

7) Assist students in learning and practicing refusal skills that will help them resist sexual activity.

8) Address the benefits of raising children within the context of a marital relationship and the unique challenges that single teen parents encounter in relation to educational, psychological, physical, social, legal, and financial factors.

9) Discuss the interrelationship between teen sexual activity and exposure to other risk behaviors such as smoking, underage drinking, drug use, criminal activity, dating violence, and sexual aggression.

10) Educate students on the age of consent, puberty, pregnancy, childbirth, sexually transmitted diseases, and the financial and emotional responsibility of raising a child.

11) Teach students how to identify and form healthy relationships, and how to identify and avoid unhealthy relationships.

Part 1304 also clearly states what CANNOT be provided in family life education.

- Instruction of the family life curriculum shall not:

  1) Promote, implicitly or explicitly, any gateway sexual activity or health message that encourages students to experiment with non-coital sexual activity.
  2) Provide or distribute materials on school grounds that condone, encourage or promote student sexual activity among unmarried students.
  3) Display or conduct demonstrations with devices specifically manufactured for sexual stimulation
  4) Distribute contraception on school property; provided, **however, medically-accurate information about contraception and condoms may be provided so long it is presented in a manner consistent with the preceding provisions of this part and clearly informs students that while such methods may reduce the risk of acquiring sexually transmitted diseases or becoming pregnant, only abstinence removes all risk.** ***This is important because it allows you to answer student questions about contraception and condoms as long as your responses are medically accurate and stress that only abstinence removes all risk.***

C. Necessary Paperwork

In addition to curriculum requirements, the law also stipulates the requirements of the service provider. This section will detail 1305-1307.

Part 1305 provides several specifications on how parents/guardians are to be notified.

- Not less than thirty (30) days prior to commencing instruction of the family life curriculum, each LEA shall notify parents or legal guardians of students whom the LEA anticipates will be present for instruction in sex education that 1) is legally compliant and 2) The parent or legal guardian shall have the right to examine the grade level instructional materials and confer with the student's

instructor, school counselor or principal, as designated by the LEA, regarding any or all portions of family life.

- Prior to commencing instruction of the family life curriculum, each school shall require that a parent or legal guardian acknowledge, in writing, that the parent or legal guardian received the notice under subsection (a) and consents to their child's presence for instruction and all parents/guardians have the right to excuse their child from any portion of family life education.

- A parent or guardian who wishes to excuse a student from any portion of family life shall submit a request, in writing, to the student's instructor, school counselor, or principal. A parent or guardian who wishes to excuse a student from all portions of family life shall submit a request in writing to the student's principal.

This means that the school system must provide parents/guardians with a minimum of thirty days notice prior to the curriculum being taught. Parents/guardians have the right to review the curriculum, and to withhold their child from any portion of your programming (pending a written request). ***A simple way to address this issue is to include information about your programming in the student handbook, which is issued at the beginning of the school year and must be read and signed by all parents/guardians.***

Part 1306 states that if a parent/guardian has a reason to believe that the curriculum provided by an outside organization is not being taught within the state's parameters, they have the right to file a complaint.

- This complaint will be investigated.

- If improper conduct has occurred, the parents/guardians shall have a cause of action against that instructor or organization for actual damages plus reasonable attorney's fees and court costs.

- If the parent or legal guardian is the prevailing party to the action, the court may impose a civil fine in an amount not to exceed five hundred dollars ($500).
- This section **shall not** apply to instruction by any teacher, instructor, or organization, who, with respect to a course or class otherwise offered in accordance with the requirements of this part, verbally answers in good faith any question, or series of questions, germane and material to the course, asked of the instructor and initiated by a student or students enrolled in the course.

Part 1307

- Notwithstanding any other law to the contrary, and regardless of the title or designated name of a particular class or course, any instruction in sex education or sexual activity shall comply with the requirements of this part; provided, however, nothing in this part shall be construed so as to prohibit the scientific study of the sexual reproductive system through coursework in biology, physiology, anatomy, health, or physical education.

In Summary

- Tennessee's law require abstinence only education. In other words, **no sex is safe sex**.
- Information must be age-appropriate, medically accurate, and evidence-based.
- In addition to information on teen pregnancy, STD's, and HIV, students must also be instructed on healthy relationships, consent, and refusal skills.
- Instruction on the interrelationship between teen sexual activity and exposure to other risk behaviors is also required.
- Parents/Guardians must be provided with at least a 30 day notice before the instruction of family life education and have the option to withdraw their student from programming.

- This law applies strictly to programs conducted within the school system. If your program is not within the bounds of the school system, this law does not apply to your program, but does offer a strong curriculum design guide.

While this portion of the toolkit has presented a large portion of the law, you are again strongly encouraged to read the bill in its entirety (listed in our “Resources” section) for yourself. Remember, each service provider is responsible for personally knowing and understanding this law.

Information regarding Tennessee’s Law is also included in PowerPoint format in the “Resources” section. There are also examples of family life education permission slips.