



January 21, 2000

HOUSE BILL No. 1117

DIGEST OF HB 1117 (Updated January 20, 2000 5:34 PM - DI 71)

Citations Affected: IC 16-41; IC 20-5; IC 20-8.1; IC 20-10.1.

Synopsis: Medically accurate education. Requires the provision of medically accurate information as determined by the state department of health at the various times that health, AIDS, HIV, or abstinence education is required by statute.

Effective: July 1, 2000.

Porter

January 10, 2000, read first time and referred to Committee on Education.
January 20, 2000, amended, reported — Do Pass.

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HB 1117—LS 6640/DI 22+



January 21, 2000

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

HOUSE BILL No. 1117

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-41-4-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. The state department
3 must provide **medically accurate** information stressing the moral
4 aspects of abstinence from sexual activity in any literature that the state
5 department distributes to school children and young adults concerning
6 available methods for the prevention of acquired immune deficiency
7 syndrome (AIDS). Such literature must state that the best way to avoid
8 AIDS is for young people to refrain from sexual activity until the young
9 people are ready as adults to establish, in the context of marriage, a
10 mutually faithful monogamous relationship.

11 SECTION 2. IC 20-5-62-8 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) The contract must
13 contain the following provisions:

14 (1) A list of the statutes and rules that are suspended from
15 operation in a freeway school corporation or freeway school, as
16 listed in section 5 of this chapter.

17 (2) A description of the privileges of a freeway school corporation

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- 1 or freeway school, as listed in section 6 of this chapter.
- 2 (3) A description of the educational benefits listed in section 7 of
- 3 this chapter that a freeway school corporation or freeway school
- 4 agrees to:
- 5 (A) achieve by the end of five (5) complete school years after
- 6 the contract is signed; and
- 7 (B) maintain at the end of:
- 8 (i) the sixth; and
- 9 (ii) any subsequent;
- 10 complete school year after the contract is signed.
- 11 (4) A plan and a schedule for the freeway school corporation or
- 12 freeway school to achieve the educational benefits listed in
- 13 section 7 of this chapter by the end of five (5) complete school
- 14 years after the contract is signed. The schedule must show some
- 15 percentage of improvement by the end of the second, third, and
- 16 fourth complete school years after the contract is signed.
- 17 (5) A school by school strategy, including curriculum, in which
- 18 character education is demonstrated to be a priority. The strategy
- 19 required under this subdivision must include the following
- 20 subjects as integral parts of each school's character education:
- 21 (A) Hygiene.
- 22 (B) Alcohol and drugs.
- 23 (C) Diseases transmitted sexually or through drug use,
- 24 including AIDS.
- 25 (D) Honesty.
- 26 (E) Respect.
- 27 (F) Abstinence and restraint.
- 28 **The instruction under clauses (A), (B), (C), and (F) must be**
- 29 **medically accurate, with medical accuracy determined by the**
- 30 **state department of health.**
- 31 (6) A plan under which the freeway school corporation or freeway
- 32 school will offer courses that will allow a student to become
- 33 eligible to receive an honors diploma.
- 34 (7) A plan under which the freeway school corporation or freeway
- 35 school will maintain a safe and disciplined learning environment
- 36 for students and teachers.
- 37 (b) In the contract:
- 38 (1) the quantitative measures of benefits may be higher, but not
- 39 lower, than the minimum educational benefits listed in section 7
- 40 of this chapter; and
- 41 (2) educational benefits may be included in addition to the
- 42 minimum educational benefits listed in section 7 of this chapter.

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1 SECTION 3. IC 20-8.1-7-21 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 21. (a) The state board
 3 of education shall provide **medically accurate** information stressing
 4 the moral aspects of abstinence from sexual activity in any literature
 5 that it distributes to school children and young adults concerning
 6 available methods for the prevention of acquired immune deficiency
 7 syndrome (AIDS). Such literature must state that the best way to avoid
 8 AIDS is for young people to refrain from sexual activity until they are
 9 ready as adults to establish, in the context of marriage, a mutually
 10 faithful monogamous relationship.

11 (b) The state board of education may not distribute AIDS literature
 12 described in subsection (a) to school children without the consent of
 13 the governing body of the school corporation the school children
 14 attend.

15 (c) **The state department of health shall determine medical
 16 accuracy when this section requires medical accuracy.**

17 SECTION 4. IC 20-8.1-11-13 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 13. The council shall
 19 do the following:

20 (1) Identify and study **medically accurate** educational materials
 21 and resources on AIDS that are available for use in the schools
 22 within the school corporation.

23 (2) Determine which educational materials and resources are
 24 based on sound medical principles and reflect the attitude of the
 25 community.

26 (3) Recommend to the school corporation educational materials
 27 and resources on AIDS **that are medically accurate and** that
 28 reflect the standards of the community.

29 **The state department of health shall determine medical accuracy
 30 when this section requires medical accuracy.**

31 SECTION 5. IC 20-10.1-4-5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. Each school
 33 corporation shall include in its curriculum the following studies:

34 (1) Language arts, including English, grammar, composition,
 35 speech, and second languages.

36 (2) Mathematics.

37 (3) Social studies and citizenship, including the constitutions,
 38 governmental systems, and histories of Indiana and the United
 39 States.

40 (4) Sciences.

41 (5) Fine arts, including music and art.

42 (6) **Medically accurate** health education, physical fitness, safety,

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1 and the effects of alcohol, tobacco, drugs, and other substances on
 2 the human body. **The state department of health shall**
 3 **determine medical accuracy when this subdivision requires**
 4 **medical accuracy.**

5 (7) Additional studies selected by each governing body, subject
 6 to revision by the state board of education.

7 SECTION 6. IC 20-10.1-4-10 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. (a) Each school
 9 corporation shall include in its curriculum **medically accurate**
 10 instruction concerning the disease known as acquired immune
 11 deficiency syndrome (AIDS) and shall integrate this effort to the extent
 12 possible with **medically accurate** instruction on other dangerous
 13 communicable diseases.

14 (b) A school corporation shall consider the recommendations of the
 15 AIDS advisory council (as established in IC 20-8.1-11) concerning
 16 community standards on the content of the instruction, the manner in
 17 which the information is presented, and the grades in which it is taught.

18 (c) Literature that is distributed to school children and young adults
 19 under this section must include information required by IC 20-8.1-7-21.

20 (d) The department, in consultation with the state department of
 21 health, shall develop **medically accurate** AIDS educational materials.
 22 The department shall make the materials developed under this section
 23 available to school corporations.

24 (e) **The state department of health shall determine medical**
 25 **accuracy when this section requires medical accuracy.**

26 SECTION 7. IC 20-10.1-4-11 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11. ~~Throughout~~
 28 Instruction on human sexuality or sexually transmitted diseases **must**
 29 **be medically accurate, with medical accuracy determined by the**
 30 **state department of health.** An accredited school shall:

31 (1) teach abstinence from sexual activity outside of marriage as
 32 the expected standard for all school age children;

33 (2) include that abstinence from sexual activity is the only certain
 34 way to avoid out-of-wedlock pregnancy, sexually transmitted
 35 diseases, and other associated health problems; and

36 (3) include that the best way to avoid sexually transmitted
 37 diseases and other associated health problems is to establish a
 38 mutually faithful monogamous relationship in the context of
 39 marriage.

40 SECTION 8. IC 20-10.1-9-3 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) The following
 42 classifications are established to encompass all subjects in all grades

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- 1 of the public schools for which credit is given:
- 2 (1) Language arts-English, spelling, and literature.
- 3 (2) Social studies.
- 4 (3) Mathematics.
- 5 (4) Science and **medically accurate** health education. **The state**
- 6 **department of health shall determine medical accuracy when**
- 7 **this subdivision requires medical accuracy.**
- 8 (5) Miscellaneous.
- 9 (6) Language arts-reading and handwriting.
- 10 (7) Foreign languages.
- 11 (b) When the classification for a particular textbook subject is
- 12 unclear, it shall be determined by the rules of the state board of
- 13 education.
- 14 SECTION 9. IC 20-10.1-9-4 IS AMENDED TO READ AS
- 15 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) Prior to
- 16 December 15, 1984, and in every sixth year thereafter, the state board
- 17 of education shall make a regular adoption of, and contract for,
- 18 textbooks for each subject under the classification of social studies at
- 19 a meeting held for that purpose.
- 20 (b) Prior to December 15, 1985, and in every sixth year thereafter,
- 21 the state board of education shall make a regular adoption of, and
- 22 contract for, textbooks for each subject under the classification of
- 23 mathematics at a meeting held for that purpose.
- 24 (c) Prior to December 15, 1986, and in every sixth year thereafter,
- 25 the state board of education shall make a regular adoption of, and
- 26 contract for, textbooks for each subject under the classification of
- 27 science and **medically accurate** health education, at a meeting held for
- 28 that purpose. **The state department of health shall determine**
- 29 **medical accuracy when this subsection requires medical accuracy.**
- 30 (d) Prior to December 15, 1987, and in every sixth year thereafter,
- 31 the state board of education shall make a regular adoption of, and
- 32 contract for, textbooks for each subject under the classification of
- 33 miscellaneous at a meeting held for that purpose.
- 34 (e) Prior to December 15, 1988, and in every sixth year thereafter,
- 35 the state board of education shall make a regular adoption of, and
- 36 contract for, textbooks for each subject under the classification of
- 37 language arts-reading and handwriting, at a meeting held for that
- 38 purpose.
- 39 (f) Prior to December 15, 1989, and in every sixth year thereafter,
- 40 the state board of education shall make a regular adoption of, and
- 41 contract for, textbooks for each subject under the classifications of
- 42 language arts-English, spelling, and literature, and foreign languages

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1 at a meeting held for that purpose.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1117, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 29, after "accurate" insert ", **with medical accuracy determined by the state department of health**".

Page 3, between lines 13 and 14, begin a new paragraph and insert: **"(c) The state department of health shall determine medical accuracy when this section requires medical accuracy."**

Page 3, between lines 25 and 26, begin a new line blocked left and insert:

"The state department of health shall determine medical accuracy when this section requires medical accuracy."

Page 3, line 39, after "." insert **"The state department of health shall determine medical accuracy when this subdivision requires medical accuracy."**

Page 4, between lines 16 and 17, begin a new paragraph and insert: **"(e) The state department of health shall determine medical accuracy when this section requires medical accuracy."**

Page 4, line 20, after "accurate" insert ", **with medical accuracy determined by the state department of health**".

Page 4, line 37, after "." insert **"The state department of health shall determine medical accuracy when this subdivision requires medical accuracy."**

Page 5, line 16, after "." insert **"The state department of health shall determine medical accuracy when this subsection requires medical accuracy."**

and when so amended that said bill do pass.

(Reference is to HB 1117 as introduced.)

CHENEY, Chair

Committee Vote: yeas 8, nays 6.

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