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STATE POLICIES IN BRIEF As of MARCH 1, 2016

Sex and HIV Education

BACKGROUND: Beginning in the 1970s, concerns over teen pregnancy– and later HIV/AIDS– galvanized widespread public support for sex education in schools. Most states today have a policy requiring HIV education, usually in conjunction with broader sex education. Meanwhile, as debate over the relative merits of abstinence-only-until-marriage versus more comprehensive approaches has intensified, states have enacted a number of specific content requirements. This brief summarizes state-level sex and HIV education policies, as well as specific content requirements, based on a review of state laws, regulations and other legally binding policies.

HIGHLIGHTS:

General Requirements: Sex Education and HIV Education

- 24 states and the District of Columbia mandate sex education.
  - 21 states and the District of Columbia mandate both sex education and HIV education.
  - 2 states only mandate sex education.

- 33 states and the District of Columbia mandate HIV education; of these states, 13 mandate only HIV education.

- 27 states and the District of Columbia mandate that, when provided, sex and HIV education programs meet certain general requirements.
  - 13 states require that the instruction be medically accurate.
  - 26 states and the District of Columbia require that the information be appropriate for the students' age.
  - 8 states require that the program must provide instruction that is appropriate for a student's cultural background and not be biased against any race, sex or ethnicity.
  - 2 states prohibit the program from promoting religion.

- 38 states and the District of Columbia require school districts to involve parents in sex education, HIV education or both.
  - 22 states and the District of Columbia require that parents be notified that sex education or HIV education will be provided.
  - 3 states require parental consent for students to participate in sex education or HIV education.
  - 36 states and the District of Columbia allow parents to remove their children from instruction.

GUTTMACHER INSTITUTE

Advancing sexual and reproductive health worldwide through research, policy analysis and public education.

125 Maiden Lane
New York, NY 10038
212.248.1111
www.guttmacher.org
info@guttmacher.org

1301 Connecticut Avenue, N.W.
Washington, DC 20036
202.296.4012
www.guttmacher.org
policy@guttmacher.org

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HIGHLIGHTS:

Content Requirements When Sex Education is Taught

- 18 states and the District of Columbia require that information on contraception be provided.

- 37 states require that information on abstinence be provided.
  - 26 states require that abstinence be stressed.
  - 11 states require that abstinence be covered.

- 19 states require that instruction on the importance of engaging in sexual activity only within marriage be provided.

- 13 states require discussion of sexual orientation.
  - 9 states require that discussion of sexual orientation be inclusive.
  - 4 states require only negative information on sexual orientation.

- 13 states require the inclusion of information on the negative outcomes of teen sex and pregnancy.

- 28 states and the District of Columbia require the provision of information about skills for healthy sexuality (including avoiding coerced sex), healthy decision making and family communication when sex education is taught.
  - 20 states and the District of Columbia require that sex education include information about skills for avoiding coerced sex.
  - 21 states require that sex education include information on making healthy decisions around sexuality.
  - 11 states require that sex education include instruction on how to talk to family members, especially parents, about sex.

Content Requirements When HIV Education is Taught

- 20 states require information on condoms or contraception.

- 39 states require that abstinence be included.
  - 27 states require that abstinence be stressed.
  - 12 states require that abstinence be covered.

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GENERAL REQUIREMENTS: SEX AND HIV EDUCATION

STATE	SEX EDUCATION* MANDATED	HIV EDUCATION MANDATED	WHEN PROVIDED, SEX OR HIV EDUCATION MUST				PARENTAL ROLE		
			Be Medically Accurate	Be Age Appropriate	Be Culturally Appropriate and Unbiased	Cannot Promote Religion	Notice	Consent	Opt-Out
Alabama		X		X					X
Arizona				X			HIV	Sex	HIV
Arkansas									
California	X	X	X	X	X	X	X		X
Colorado			X	X	X		X		X
Connecticut		X							X
Delaware	X	X							
Dist. of Columbia	X	X		X			X		X
Florida				X					X
Georgia	X	X					X		X
Hawaii	X	X	X	X					X
Idaho									X
Illinois†		X	X	X					X
Indiana		X							
Iowa	X	X	X	X	X		X		X
Kentucky	X	X							
Louisiana				X		X	X		X
Maine	X	X	X	X					X
Maryland	X	X							X
Massachusetts							X		X
Michigan		X	X‡	X			X		X
Minnesota	X	X							X
MississippiΩ	X			X			X		X
Missouri		X		X			X		X
Montana	X	X							
Nevada	X	X		X			X	X	
New Hampshire		X							X
New Jersey	X	X	X	X	X		X		X
New Mexico	X	X							X
New York		X		HIV					HIV
North Carolina	X	X	X	X					
North Dakota	X								
Ohio	X	X							X
Oklahoma		X					X		X
Oregon	X	X	X	X	X		X		X
Pennsylvania		X		HIV			X		HIV
Rhode Island	X	X	X	X	X				X
South Carolina	X	X		X			X		X
Tennessee	XΨ	X		HIV					X
Texas				X			X		X
Utahξ	X	X	X		X		X	X	
Vermont	X	X		X					X
Virginia				X			X		X
Washington		X	X	X	X		X		X
West Virginia	X	X					X		X
Wisconsin		X					X		X
TOTAL	**24+DC**	**34+DC**	**13**	**26+DC**	**8**	**2**	**22+DC**	**3**	**36+DC**

* Sex education typically includes discussion of STIs.
† Sex education is not mandatory, but health education is required and it includes medically accurate information on abstinence.
‡ Sex education "shall not be medically inaccurate."
Ω Localities may include topics such as contraception or STIs only with permission from the State Department of Education.
Ψ Sex education is required if the pregnancy rate for 15-17 teen women is at least 19.5 or higher.
ξ State also prohibits teachers from responding to students' spontaneous questions in ways that conflict with the law's requirements.

CONTINUED

CONTENT REQUIREMENTS FOR SEX* AND HIV EDUCATION

STATE	WHEN PROVIDED, SEX EDUCATION MUST								WHEN PROVIDED, HIV EDUCATION MUST	
	Include Information on					Include Life Skills for			Include Information on	
	Contra-ception	Abstinence	Importance of Sex Only Within Marriage	Sexual Orientation	Negative Outcomes of Teen Sex	Avoiding Coercion	Healthy Decision-making	Family Communication	Condoms	Abstinence
Alabama	X	Stress	X	Negative	X	X			X	Stress
Arizona		Stress		ϕ	X	X				Stress
Arkansas		Stress	X			X				Stress
California	X	Cover		Inclusive			X	X	X	Cover
Colorado	X	Cover		Inclusive		X	X	X	X	Cover
Delaware	X	Stress		Inclusive		X	X		X	Stress
Dist. of Columbia	X					X				
Florida		Stress	X		X					Stress
Georgia		Stress	X		X					Cover
Hawaii	X	Stress					X		X	Stress
Illinois	X	Stress	X		X	X			X	Stress
Indiana		Stress	X							Stress
Iowa				Inclusive						
Kentucky		Cover			X		X			Cover
Louisiana		Stress	X							Stress
Maine	X	Stress					X	X	X	Stress
Maryland	X	Cover				X	X		X	Cover
Michigan		Stress	X		X	X	X			Stress
Minnesota		Cover					X			Cover
Mississippi[Ω]	‡	Stress	X		X	X				Stress
Missouri		Stress	X		X	X	X			Stress
Montana		Cover								Cover
New Hampshire										Cover
New Jersey	X	Stress		Inclusive			X		X	Stress
New Mexico	X	Cover		Inclusive		X	X	X	X	Stress
New York									X	Stress
North Carolina	X	Stress	X			X	X	X	X	Stress
North Dakota		Cover								
Ohio		Stress	X		X					Stress
Oklahoma		Stress		ϕ					X	Cover
Oregon	X	Stress		Inclusive		X	X	X	X	Stress
Pennsylvania										Stress
Rhode Island	X	Stress		Inclusive		X	X		X	Stress
South Carolina	X	Stress	X	Negative						Stress
Tennessee		Stress	X		X	X	X	X		Stress
Texas		Stress	X	Negative	X	X	X		X	Stress
Utah[ξ]		Stress	X	Negative		X	X	X		Stress
Vermont	X	Cover				X	X	X	X	Cover
Virginia	X	Cover	X			X		X	X	Cover
Washington	X	Stress		Inclusive			X	X	X	Stress
West Virginia	X	Cover	X		X	X	X		X	Cover
Wisconsin		Stress	X							Stress
TOTAL	**18+DC**	**37**	**19**	**13**	**13**	**20+DC**	**21**	**11**	**20**	**39**

* Sex education typically includes discussion of STIs.

ϕ If HIV education is taught in Arizona it cannot "promote" a "homosexual lifestyle" or portray homosexuality in a positive manner. Mandated HIV education in Oklahoma teaches that among other behaviors that "homosexual activity" is considered to be "responsible for contact with the AIDS virus."

Ω Localities may include topics such as contraception or STIs only with permission from the State Department of Education.

ξ State also prohibits teachers from responding to students' spontaneous questions in ways that conflict with the law's requirements.

FOR MORE INFORMATION:

For information on state legislative and policy activity, click on Guttmacher's Monthly State Update, for state-level policy information see Guttmacher's State Policies in Brief series, and for information and data on reproductive health issues, go to Guttmacher's State Center. To see state-specific reproductive health information go to Guttmacher's Data Center, and for abortion specific information click on State Facts About Abortion. To keep up with new state relevant data and analysis sign up for the State News Quarterly Listserv.

Boonstra HD, Meeting the Sexual and Reproductive Health Needs of Adolescents in School-Based Health Centers, *Guttmacher Policy Review*, 2015, 18(1):21-26.

Boonstra HD, What Is Behind the Declines in Teen Pregnancy Rates? *Guttmacher Policy Review*, 2014, 17(3):15-21.

Berglas NF et al., A Rights-Based Approach to Sexuality Education: Conceptualization, Clarification and Challenges, *Perspectives on Sexual and Reproductive Health*, 2014, 46(2):63-72.

Hasstedt K, The State of Sexual and Reproductive Health and Rights in the State of Texas: A Cautionary Tale, *Guttmacher Policy Review*, 2014 17(2):14-21.

Boonstra HD, Lemonade from lemons: the Obama Administration's plan for implementing the Title V Abstinence Education Program, *Guttmacher Policy Review*, 2010, 13(3):24.

Boonstra HD, Key questions for consideration as a new federal teen pregnancy prevention initiative is implemented, *Guttmacher Policy Review*, 2010, 13(1):2–7.

Boonstra HD, Advocates call for a new approach after the era of 'abstinence-only' sex education, *Guttmacher Policy Review*, 2009, 12(1):6–11.

Masters NT et al., The opposite of sex? Adolescents' thoughts about abstinence and sex, and their sexual behavior, *Perspectives on Sexual and Reproductive Health*, 2008, 40(2):87–93.

Boonstra HD, Matter of faith: support for comprehensive sex education among faith-based organizations, *Guttmacher Policy Review*, 2008, 11(1):17–22.

Constantine NA, Jerman P and Huang AX, California parents' preferences and beliefs regarding school-based sex education policy, *Perspectives on Sexual and Reproductive Health*, 2007, 39(3):167–175.

Kaestle CE and Halpern CT, What's love got to do with it? Sexual behaviors of opposite-sex couples through emerging adulthood, *Perspectives on Sexual and Reproductive Health*, 2007, 39(3):134–140.

Boonstra HD, The case for a new approach to sex education mounts; will policymakers heed the message? *Guttmacher Policy Review*, 2007, 10(2):2–7.

Lindberg LD, Santelli JS and Singh S, Changes in formal sex education: 1994–2002, *Perspectives on Sexual and Reproductive Health*, 2006, 38(4):182–189.

Dailard C, Legislating against arousal: the growing divide between federal policy and teenage sexual behavior, *Guttmacher Policy Review*, 2006, 9(3):12–16.

Yarber WL et al., Public opinion about condoms for HIV and STD prevention: a Midwestern state telephone survey, *Perspectives on Sexual and Reproductive Health*, 2005, 37(3):148–154.

Eisenberg ME et al., Parent's beliefs about condoms and oral contraceptives: are they medically accurate? *Perspectives on Sexual and Reproductive Health*, 2004, 36(2):50–57.