

Title 49, Chapter 6, Part 13: Family Life Curriculum

T.C.A. § 49-6-1301. Part Definitions

As used in this part, unless the context otherwise requires:

(1) "Abstinence" means not participating in any activity that puts an individual at risk for pregnancy or a sexually transmitted disease;

(2)

(A) "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;

(B) Abstinence-centered education is a holistic approach that addresses the physical, social, emotional, psychological, economic and educational consequences of nonmarital sexual activity;

(3) "Abstinence-centered curriculum" means that the majority of the content of a curriculum promotes sexual risk avoidance as the primary goal. Supplemental topics in the curriculum, such as healthy relationships and substance abuse, reinforce the goal of primary prevention;

(4) "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;

(5) "Evidence-based approach" means an approach:

(A) That has a clear theoretical base that integrates research findings with practical implementation expertise that is relevant to the field;

(B) That matches the needs and desired outcomes for the intended audience; and

(C) That if implemented well, demonstrates improved outcomes for the intended audience;

(6) "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;

(7) "Gateway sexual activity" means sexual contact, as defined in subdivision (12), that could precipitate engagement in a nonabstinent behavior. A person promotes a gateway sexual activity by encouraging, advocating, urging or condoning gateway sexual activities;

(8) "Medically accurate" means information that is grounded in evidence-based, peer-reviewed science and research;

(9)

(A) "Puberty" means a developmental stage during which the pituitary gland triggers the production of testosterone in boys and the production of estrogen and progesterone in girls;

(B) Puberty typically begins in girls between nine (9) and twelve (12) years of age, and in boys between eleven (11) and fourteen (14) years of age;

(C) Puberty is the period during which adolescents become capable of reproduction and experience various bodily changes;

(10) "Risk avoidance" means an approach that encourages the prevention of participation in risk behaviors

as opposed to merely reducing the consequences of those risk behaviors;

(11) "Sexual activity" means sexual penetration or sexual contact, or both;

(12) "Sexual contact" means sexual contact as defined under § 39-13-501;

(13) "Sexual intercourse" means that a male reproductive organ is inserted into any bodily orifice; and

(14) "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).

T.C.A. § 49-6-1302. Curriculum for Family Life Education

SECTION 1. Tennessee Code Annotated, Section 49-6-1302, is amended by deleting subsection (a) and substituting:

(1) Beginning with the 2021-2022 school year, each LEA shall locally devise, adopt, and implement a program of family life education in conformance with the curriculum guidelines established for such programs by this part.

(2) Each LEA shall locally develop and adopt a family life curriculum in compliance with the requirements of this part, or shall adopt the family life curriculum adopted by the state board of education.

SECTION 2. Tennessee Code Annotated, Section 49-6-1302, is amended by deleting subsection (b) and substituting:

(b) The state board of education shall adopt a complete family life curriculum suitable for implementation by an LEA that fails to develop, adopt, and implement a local curriculum of family life under subsection (a). A family life curriculum adopted by the state board under this subsection (b) must be in conformance with the curriculum guidelines established for such programs by this part.

SECTION 3. Tennessee Code Annotated, Section 49-6-1302, is amended by adding the following as a new subsection:

(d) A curriculum on sex education or human sexuality that is developed, adopted, or implemented by an LEA as a part of a human growth and development program or curriculum must be in conformance with the curriculum guidelines established for family life programs by this part.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

T.C.A. § 49-6-1303. Assistance in Teaching Family Life

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

(b) 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 nonabstinence as an appropriate or acceptable behavior, or if that individual or organization promotes gateway sexual activity.

T.C.A. § 49-6-1304. Family Life Instruction

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

(1) Emphatically promote only 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 nonmarital 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, including but not limited to HIV/AIDS, 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;

(12) Notwithstanding § 49-6-1302(a)(1), inform students, in all LEAs, concerning the process of adoption and its benefits. The state board of education, with the assistance of the department of education, shall develop guidelines for appropriate kindergarten through grade twelve (K-12) instruction on adoption, what adoption is, and the benefits of adoption. The guidelines shall be distributed by the department of education to each LEA by the start of the 2015-2016 school year; and

(13) Provide instruction on the detection, intervention, prevention, and treatment of:

(A) Child sexual abuse, including such abuse that may occur in the home, in accordance with the declarations and requirements of §§ 37-1-601(a) and 37-1-603(b)(3); and

(B) Human trafficking in which the victim is a child. The instruction provided under this subdivision (a)(13)(B) must be accomplished through the viewing of a video recording approved by the LEA.

(b) 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 noncoital 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; or

SECTION 1. Tennessee Code Annotated, Section 49-6-1304(b)(4), is amended by deleting the subdivision and substituting:

(4) Distribute contraception on school property; provided, however, that medically accurate information about contraception and condoms that is consistent with public policy may be provided so long as the information is:

(A) Presented in a manner consistent with this part and that clearly informs students that while such methods may reduce the risk of acquiring sexually transmitted diseases or becoming pregnant, only abstinence removes all risk;

(B) Reviewed and approved by the local board of education or charter school governing body, prior to the information being used by the LEA or public charter school in a family life curriculum, to ensure that it is:

(i) Medically accurate;

(ii) Age appropriate;

(iii) In compliance with this part; and

(iv) Aligned to academic standards in this state; and

(C) Provided, upon request, to a parent of a student attending a school in the LEA or charter school, to allow the parent to review the information and to opt the parent's student out of receiving the information as part of a family life curriculum, without penalty.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

T.C.A. § 49-6-1305. Notification of Parents and Legal Guardians – Excusing Students from Family Life Instruction

(a) 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) The LEA is using a family life curriculum that meets the requirements of state law; 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.

(b) 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. A student who is excused from any or all portions of family life shall not be penalized for grading purposes if the student satisfactorily performs alternative health lessons.

T.C.A. § 49-6-1306. Complaint by Parent or Legal Guardian – Cause of Action by Parent or Guardian

(a) Notwithstanding any other law to the contrary, a parent or legal guardian of a student enrolled in family life may file a complaint with the director of schools if the parent or legal guardian believes that a teacher, instructor, or representative of an organization has not complied with the requirements of this part. The director shall investigate the complaint and report such director's findings, along with any recommendations for disciplinary action, to the local board for further action. The local board shall file, in a timely manner, a report with the commissioner regarding any action or inaction taken. On an annual basis, the commissioner shall transmit those filings to the chair of the education committee of the senate and the chair of the education instruction and programs committee of the house of representatives.

(b)

(1) If a student receives instruction by an instructor or organization that promotes gateway sexual activity or demonstrates sexual activity, as prohibited under this part, then the parent or legal guardian shall have a cause of action against that instructor or organization for actual damages plus reasonable attorney's fees and court costs; provided, however, that this subsection (b) shall not apply to:

(A) Instruction provided by teachers employed by the LEA; or

(B) Instruction provided by instructors employed by an LEA-approved organization, or by LEA-approved instructors, that is limited to the detection, intervention, prevention, and treatment of child sexual abuse, including such abuse that may occur in the home, in accordance with §§ 37-1-601(a), 37-1-603(b)(3), and 49-6-1303(b). Any LEA-approved organization, instructor employed by an LEA approved organization, or LEA-approved instructor who promotes any gateway sexual activity, demonstrates sexual activity, or teaches student nonabstinence as an appropriate or acceptable behavior, as prohibited under this part, shall be subject to a cause of action by a parent or legal guardian pursuant to this subdivision (b)(1).

(2) 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).

(3) An action brought under this subsection (b) shall be commenced within one (1) year after the alleged violation occurred.

(c) 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.

T.C.A. § 49-6-1307. Instruction of Sexual Education to Comply with Part --

Scientific Study of Reproductive System Permitted

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, that 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.

Source: Tennessee Department of Education. (2021). Tennessee School Health Laws: Coordinated School Health.

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