



# Illinois State Board of Education

April 2016

Guidance Document

#16-1

Sex Education  
(PA 98-0441)

Effective Date: January 1, 2014

*This document is intended to provide non-regulatory guidance on the subject matter listed above.  
For specific questions, please contact the person(s) identified in the document.*

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Tony Smith, Ph.D., State Superintendent



# Illinois State Board of Education

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**TO:** Directors of Special Education  
Superintendents  
Other interested parties

**FROM:** David Anzel  
Division Administrator  
Special Education Services Division

**DATE:** April 2016

**SUBJECT: Sex Education**  
[Public Act (PA) 98-0441]

Public Act 98-0441 became effective on January 1, 2014 and provides guidance on the provision of sex education to students in grades 6 through 12. Please note that this guidance is regarding this particular Act and is not an exhaustive review of changes or available resources.

## **Frequently Asked Questions**

### **1. What does the law require of schools?**

Public Act 98-0441 requires schools to include instruction on both abstinence and contraception for the prevention of pregnancy and sexually transmitted diseases, including Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), if they provide sex education to students. It amends the School Code and the Critical Health Problems and Comprehensive Health Education Act. This instruction must be provided in any of the classes in comprehensive sex education taught in any of grades 6 through 12. Beginning January 1, 2014, the schools must make and implement these changes in the sex education curriculum or course.

### **2. Must the schools offer comprehensive sex education?**

The Critical Health Problems and Comprehensive Health Education Act does not require school districts to offer sex education. Schools that do not currently provide sex education are not now being required to provide instruction on contraception and abstinence. If a school district *does* teach any subject considered sex education to students in grades 6 through 12, the materials or lectures or instruction must include both abstinence and contraception as methods to prevent pregnancy and sexually transmitted diseases.

### **3. What does this law require of ISBE?**

The law requires the Illinois State Board of Education (ISBE) to: (1) obtain the input and cooperation of other state agencies or organizations and with that input, (2) make available on its

website resource materials for educating children regarding sex education. ISBE may take into consideration curriculum that has been developed by other states, as well as any other curricular materials suggested by education experts and other groups that work on sex education issues. Materials may include model sex education curriculums and sexual health education programs.

**4. Where does a school find the resources that ISBE is to make available?**

Two listings of programs are currently available at [http://www.isbe.net/school\\_health.htm](http://www.isbe.net/school_health.htm). One list includes programs that have been shown to reduce the risk of HIV transmission and the other includes programs that have been found effective in reducing teenage pregnancy. ISBE will provide additional resources as they become available.

The Centers for Disease Control and Prevention's (CDC's) Division of Adolescent and School Health provides recommended resources for Exemplary Sexual Health Education (ESHE), Evidence-Based Interventions (EBI), Promising Programs, and Evidence-Informed Programs (EI). A link to those resources is available at <http://www.isbe.net/ils/pdh/standards.htm>.

As part of the ISBE cooperative agreement with the CDC, ISBE is providing professional development opportunities to a number of "Priority School Districts" regarding sexual health education. Additionally, ISBE's Principal Consultant and Director of the CDC project is available to assist schools to review existing materials or make decisions on new materials.

**5. If a school district teaches sex education, must they do so in every grade, 6 through 12?**

No, the district may select the grade(s) in which to teach sex education.

**6. Does a sixth grade program on menstruation, good grooming and hygiene, fall under this new law?**

No. Programs focusing only on sanitation or hygiene, or a traditional course in biology, are not covered by this Act. Additionally, programs on puberty, growth and development, hygiene, sanitation, biology, and similar, in grades lower than six, are not included in this revision to the Critical Health Problems and Comprehensive Health Education Act. If a course in grades 6 through 12 discusses sexual intercourse in any way, then the new law applies.

**7. Does a school district need to purchase new materials or resources? If not, how does a school health teacher determine if a current class, course, materials or curriculum meets the new requirement?**

A school district does not need to purchase new sex education materials or curriculum, but may adapt existing curriculum to meet the requirement. Some packaged sex education curriculum material carry identifiers or labels describing their level of evidence and effectiveness.

A school may also evaluate its health education curriculum and materials by using the Health Education Curriculum Analysis Tool (HECAT), available at [www.cdc.gov/healthyouth/HECAT](http://www.cdc.gov/healthyouth/HECAT). HECAT integrates research findings and national health education standards to help school districts select or develop health education curricula that are most likely to reduce sexual risk behaviors among the youth they serve.

School health teachers or administrators should review existing sex education courses, instruction, classes or curriculum, including those of invited speakers on the subject, for these criteria:

- 1) The educational material must be developmentally and age appropriate, meaning suitable to particular ages or age groups of children and adolescents, based on the developing cognitive, emotional, and behavioral capacity typical of that age or age group.
- 2) The education material must be medically accurate, meaning verified or supported by the weight of research conducted in compliance with accepted scientific methods and published in peer-reviewed journals, if applicable, or comprising information recognized as accurate, objective and complete.
- 3) The educational material must be evidence-based or substantially incorporate elements of evidence-based programs, meaning programs for which systematic, empirical research or evaluation has provided evidence of effectiveness.

The CDC further defines evidence-based interventions as those interventions effective in changing behavior associated with the risk factors for unintended pregnancy and HIV/STD infection. These behaviors may include delaying sexual activity, reducing the frequency of sex, reducing the number of sexual partners, and/or increasing the use of contraceptives or barriers.

If the educational material does not carry the label of either exemplary sexual health education or evidence-based interventions, it may instead carry the label of either promising programs or evidence-informed programs, as described by the CDC. Promising programs are considered to be scientifically sound, provide sufficient evidence of efficacy, and address the prevention needs of many communities by targeting high-risk populations. Evidence-informed programs, show some evidence of effectiveness, although have not undergone enough rigorous evaluation to be proven effective.

- 4) Educational material and instruction shall place “substantial emphasis” on both abstinence, including abstinence until marriage, and contraception.
- 5) The educational material and instruction must be complete. Although the law does not define the word “complete,” it does specify that the curriculum meet the specific demographic, ethnic, linguistic or cultural group needs of its community.

**8. If a district invites guest lecturers to provide instruction in sex education to students in any of the grades 6 through 12, must those providers of instruction also meet the new criteria and include contraception in addition to abstinence in their materials?**

Yes. Any course material, instruction, class, course, or curriculum provided to any student in grades 6 through 12 that discusses sexual health, must include mention of both abstinence and contraception. The information must be medically accurate, age appropriate, and as much as possible be evidence-based. If utilizing a program or instructional guest that in the past provided “abstinence only” instruction, a district should review the materials and methods of instruction in advance to assure compliance with the new law.

**9. What is an example of a “non-evidence based” program?**

There are a number of non-evidence based programs on sex education being offered to Illinois school districts. Before using any sex education program provided to students in grades 6 through 12, a district should review the program for statements about scientific research and effective educational practice. Some programs may include only one element, such as “scientific research without evidence of effectiveness” or “effectiveness without evidence of scientific research.”

**10. May a school district discontinue teaching sex education if it taught sex education prior to January 1, 2014?**

A district is not required by state law to teach sex education. This law was enacted to enhance rather than reduce or eliminate the quality of sex education being taught to Illinois students in grades 6 through 12. Increasingly, surveys indicate that parents support high quality and medically accurate sex education to students in middle and high school (grades 6 through 12).

**11. Are parents given an opportunity to review the new materials on sex education being taught to their students?**

Yes. State law requires that schools provide an opportunity for individuals, including parents or guardians, to review materials to be used in such class or course.

**12. May a parent remove his or her child from sex education class?**

Yes. A parent or guardian may submit a written request that his or her child be excused from taking or participating in any class or course in comprehensive sex education. Students who do not attend that portion of a class are not to be penalized in any way for not participating.

**13. Is the teaching of abstinence prohibited?**

The law continues to emphasize that abstinence is a responsible and positive decision and is the only 100% effective protection against unwanted pregnancy, sexually transmitted diseases, and AIDS when transmitted sexually. In addition, there are other previous requirements regarding sex education in schools that still apply and were unchanged by this law. Educators who are engaged in teaching sex education, and their administrators, should review the entire law (PA 98-9441) available at <http://www.ilga.gov/legislation/publicacts/default.asp>.

**14. How will ISBE monitor compliance with PA 98-0441?**

Since this law is not a mandate to provide sexual health education, it is monitored based on complaints to ISBE staff regarding possible violations of state law and/or rules/regulations.

For further information, please contact Jessica Gerdes, ISBE Special Education Services Division (312) 814-5560.