

The SIECUS State Profiles



VIRGINIA

VIRGINIA'S SEX ED SNAPSHOT

THE STATE OF SEX EDUCATION

While advocates have been unable to implement a total reform of sex education requirements in recent years, the new legislature makeup in both the Virginia House and Senate resulted in significant wins during Virginia's 2020 legislative session. [HB 134](#) and [SB 186](#), championed by Representative Chris Runion and Representative Rod Willet in the House and Senator Siobhan Dunnivant, Senator Jennifer Boysko, and Senator Jenn McClellan in the Senate, were both enacted in March. The bills now require the Department of Education to establish guidelines for individualized education program (IEP) teams to use while developing IEPs for young people with disabilities to ensure that family life education on sexual health, self restraint and protection, and respect for personal privacy and boundaries is age and developmentally appropriate. The legislation was successfully implemented through the tireless advocacy efforts of a parent led subcommittee of [The Arc of Virginia](#) who shared common experiences of their children with developmental or intellectual disabilities not receiving more comprehensive instruction on sexual health within their IEP. The subcommittee first tried to pass this legislation in 2019 to no avail. Advocates are hopeful that with continued advocacy this will be a future requirement, rather than a suggested guideline.

Championed by Representative Mark Keam, [HB 1336](#) was also successfully enacted in 2020, which requires the Board of Education to develop Standards of Learning and curriculum guidelines for family life education curriculum in K-12. While the guidelines include positive additions such as healthy relationships instruction, the law also emphasizes more restrictive guidelines such as providing instruction on the value of marriage, the value of postponing sexual activity, and the "benefits of adoption as a positive choice in the event of an unwanted pregnancy". While these topics are not inherently restrictive, teaching the value of marriage to emphasize postponing sexual activity, along with teaching the benefits of adoption, can often (in)advertently shame and stigmatize students who are sexually active or have had an abortion.

In light of the coronavirus pandemic, the quality of sex education young people receive statewide has varied drastically. Advocates report mixed success in implementing virtual sex education programming. Further, the coronavirus has inhibited outreach and resource sharing regarding sex education, and advocates have shifted their efforts on ensuring students are able to stay on track regarding curriculum. With attention in the legislature shifting towards pressing pandemic relief efforts, advocates have experienced a reduced ability to advance comprehensive sex education legislation. Despite this limitation, the Virginia Coalition for Sex Ed Reform (VACSER) has continued to build community support in advancing sex education requirements statewide with the goal of advancing a comprehensive sex education mandate.

Virginia advocates saw an abundance of successful legislation during the 2019 session ([House Bill 45](#), [House Bill 2205](#), [Senate Bill 101](#), [Senate Bill 1141](#), [Senate Bill 1159](#)), passing measures to include instruction on

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personal privacy, consent and sexual harassment, human trafficking, and female genital mutilation in sex education curriculum.

Since Virginia schools are not required to provide sex education to students, schools are left to decide what type of sex education—if any at all—they teach young people. Mandating local control over sex education presents unique challenges that have resulted in a glaring disparity regarding the quality of sex education that students receive. Such discretion allows for the implementation of policies and curriculum that stigmatize marginalized youth, such as students of color and LGBTQ youth, and presents further challenges in ensuring that low income districts have access to the resources needed to implement comprehensive sex education. Advocates report that it is difficult to identify the content that students are learning in Virginia because schools are not required to report what curriculum they implement if they choose to teach sex education.

Students [report](#) that the sex education they receive often lacks sufficient information about contraceptive options, and instead centers an abstinence-based curriculum that utilizes fear tactics in an attempted to influence students to remain abstinent until marriage. Students also noted that curriculum often does not include information on sexual orientation and gender identity and fails to consider the health needs of LGBTQ youth. One [student-conducted survey](#) in a Virginia Beach school found that 71 percent of students did not find their Family Life Education course helpful. To help bridge this gap in education, the Virginia League of Planned Parenthood collaborates with schools, churches, local nonprofits, and community centers to provide comprehensive sex education to over 2,000 students each year.

All schools must follow the [Family Life Education Guidelines and Standards of Learning](#) if they teach sex education and advocates report that these standards influence restrictive and harmful sex education curriculum. The Standards of Learning require curriculum to emphasize abstinence until marriage and fail to include instruction on sexual orientation and gender identity. Advocates report that efforts are underway to update the Standards of Learning to ensure schools have a suitable guide when teaching sex education.

Right now, advocates can take action to ensure young people in their community have access to quality sex education. After contacting their local school board, advocates can determine what topics are missing from sex education instruction, such as instruction on consent, sexual orientation and gender identity, and contraceptives. They can then vocalize the important need for advancing sex education requirements in their community. Further, advocates must continue to contact their representatives to discuss the critical need for updating the Family Life Education Guidelines and Standards of Living and requiring comprehensive sex education in all Virginia schools. Advocates are encouraged to use the SIECUS [Community Action Toolkit](#) to guide local efforts to advance sex education.

STATE SEX EDUCATION POLICIES AND REQUIREMENTS AT A GLANCE

- Virginia schools are required to teach topics related to sex education as part of their health education program.
 - Curriculum is not required to be comprehensive.
 - Curriculum must emphasize abstinence.
- Curriculum is not required to include instruction on sexual orientation or gender identity.
- Curriculum must include instruction on consent.
- Parents or guardians may remove their students from any class. [This is referred to as an “opt-out” policy.](#)

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- Virginia’s Family Life Education Guidelines and Standards of Learning require schools to provide medically accurate instruction.

STATE HOUSE HIGHLIGHTS

This section highlights sex education bills that were introduced during the 2020 state legislative session as well as bills that have been introduced thus far in 2021. These proposed bills provide a brief overview of both recent and current legislative action taken to advance or restrict sex education. For a more comprehensive look at relevant legislation concerning sex education and related topics such as reproductive health care, LGBTQ rights, and HIV/AIDS, continue reading on to the “State Legislative Activity” section of Virginia’s profile.

2021 Legislative Session

House Bill 2244 (pending): Aims to require sex education curriculum to include the viewing of a video recording of an ultrasound.

2020 Legislative Session

House Bill 134 (passed): Requires the Department of Education to establish guidelines for individualized education program (IEP) teams to use to ensure that IEP teams consider the need for age-appropriate and developmentally appropriate instruction related to sexual health, self protection and restraint, respect for personal privacy, and personal boundaries of others. An [identical, companion bill](#) was passed in the Senate.

House Bill 1336 (passed): Requires the Board of Education to develop Standards of Learning that includes instruction with an emphasis on the value of marriage, abstinence education, benefits of adoption for an unwanted pregnancy, human reproduction, dating violence, and characteristics of abusive relationships.

MORE ON SEX ED IN VIRGINIA

STATE LAW

Virginia mandates health education, but sex education is not required. However, [Virginia Code Annotated §§ 22.1-200, 22.1-207.1 and 22.1-207.2](#) state that all family life education programs that are offered must meet or exceed the “requirements of the [State] Board of Education.” Virginia gives permission for local school boards to develop family life education programs with the “goals of reducing the incidence of pregnancy and sexually transmitted diseases [STDs] and substance abuse among teenagers.”

According to [Virginia Code Annotated § 22.1-207.1:1](#), “any family life education curriculum offered by a local school division shall require the Standards of Learning objectives related to dating violence and the characteristics of abusive relationships to be taught at least once in middle school and at least twice in high school.” The curriculum shall incorporate age-appropriate and evidence-based elements on prevention of dating violence, domestic abuse, sexual harassment, including sexual harassment using electronic means, and sexual violence. Additionally, family life education curriculum must incorporate age-appropriate elements of effective and evidence-based programs on child sexual abuse, child abduction, human trafficking, the harmful effects of female genital mutilation, the importance of personal privacy and personal boundaries, and the law and meaning of consent.

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The law states that parents or guardians may remove their students from any class. [This is referred to as an “opt-out” policy.](#)

STATE STANDARDS

The state Board of Education’s [Family Life Education Board of Education Guidelines and Standards of Learning for Virginia Public Schools](#) for grades K–12 suggest programs be age-appropriate and address:

[T]he benefits, challenges, responsibilities, and value of marriage for men, women, children, and communities; abstinence education; the value of postponing sexual activity; the benefits of adoption as a positive choice in the event of an unwanted pregnancy; human sexuality; human reproduction; dating violence, the characteristics of abusive relationships, steps to take to deter sexual assault, and the availability of counseling and legal resources, and, in the event of such sexual assault, the importance of immediate medical attention and advice, as well as the requirements of the law; the etiology, prevention, and effects of STDs; and mental health education and awareness.

Virginia also offers [Health Education Standards of Learning for Virginia Public Schools](#), which are separate from the Family Life Standards mentioned above. This is consistent with the separation between health education and family life education present in the related statutes. Therefore, the health education standards do not mention anything regarding human immunodeficiency virus (HIV), STDs, pregnancy, contraception, or related sexual health topics.

STATE LEGISLATIVE ACTIVITY

State legislative activity related to sex education does not take place in isolation from the broader embroiled political and policy climate. Attacks on the rights of lesbian, gay, bisexual, transgender, queer, or questioning (LGBTQ) individuals, and efforts to limit access to abortion care and other reproductive health care services prevent students from receiving comprehensive sex education and accessing sexual and reproductive health care services. Below are highlights of current legislative activity related to these topics. **Virginia's 2021 session convened on January 13, 2021.**

| TITLE | DESCRIPTION | STATUS |
|----------------------------------|---|---|
| HOUSE BILL 2241 | PROHIBITS "DISMEMBERMENT" ABORTION. | COMMITTEE REFERRAL PENDING (2021) |
| HOUSE BILL 2244 | REQUIRES FAMILY LIFE EDUCATION TO INCLUDE THE VIEWING OF A VIDEO RECORDING OF AN ULTRASOUND. | COMMITTEE REFERRAL PENDING (2021) |
| SENATE BILL 1235 | PROHIBITS COMMUNICATION BETWEEN THE VIRGINIA DEPARTMENT OF HEALTH OR LOCAL DEPARTMENTS OF HEALTH AND MINORS CONCERNING HEALTH RELATED MATTERS WITHOUT PRIOR PARENTAL CONSENT. | REFERRED TO THE SENATE COMMITTEE ON EDUCATION AND HEALTH (2021) |
| HOUSE BILL 134 | REQUIRES THE DEPARTMENT OF EDUCATION TO ESTABLISH GUIDELINES FOR INDIVIDUALIZED EDUCATION PROGRAM (IEP) TEAMS TO USE TO ENSURE THAT IEP TEAMS CONSIDER THE NEED FOR AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE INSTRUCTION RELATED TO SEXUAL HEALTH, SELF PROTECTION AND RESTRAINT, RESPECT FOR PERSONAL PRIVACY, AND PERSONAL BOUNDARIES OF OTHERS. | ENACTED (2020) |

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| <u>HOUSE BILL 386</u> | PROHIBITS CONVERSION THERAPY AND CREATES PENALTIES FOR PERFORMING IT ON MINORS. | ENACTED (2020) |
| <u>HOUSE BILL 580</u> | EXPANDS DEFINITIONS OF CHILD ABUSE AND NEGLECT TO COVER THREATS AND ACTIONS AGAINST A MINOR BASED ON THEIR SEXUAL ORIENTATION OR GENDER IDENTITY OR THE ATTEMPT TO CHANGE THEM. | FAILED TO PASS THE HOUSE COMMITTEE ON HEALTH, WELFARE, AND INSTITUTIONS (2020) |
| <u>HOUSE BILL 618</u> | PROHIBITS VIOLENCE, VANDALISM, AND HARASSMENT BASED ON GENDER, DISABILITY, GENDER IDENTITY, AND SEXUAL ORIENTATION. | ENACTED (2020) |
| <u>HOUSE BILL 1041</u> | ALLOWS TRANSGENDER INDIVIDUALS TO CHANGE THEIR BIRTH CERTIFICATES TO REFLECT THEIR GENDER IDENTITY AND IF APPLICABLE, NAME CHANGE. | ENACTED (2020) |
| <u>HOUSE BILL 1049</u> | PROHIBITS DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY. | ENACTED (2020) |
| <u>HOUSE BILL 1663</u> | PROHIBITS DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY. | FAILED TO PASS THE HOUSE (2020) |
| <u>HOUSE BILL 1336</u> | REQUIRES THE BOARD OF EDUCATION TO DEVELOP STANDARDS OF LEARNING THAT INCLUDES INSTRUCTION WITH AN EMPHASIS ON THE VALUE OF MARRIAGE, ABSTINENCE EDUCATION, BENEFITS OF ADOPTION FOR AN UNWANTED PREGNANCY, HUMAN REPRODUCTION, DATING VIOLENCE, AND CHARACTERISTICS OF ABUSIVE RELATIONSHIPS. | ENACTED (2020) |
| <u>SENATE BILL 21</u> | REPEALS THE CODE OF VIRGINIA TO ALLOW MINORS TO OBTAIN AN ABORTION WITHOUT THE CONSENT OF A PARENT. | INCORPORATED BY THE SENATE COMMITTEE ON EDUCATION AND HEALTH- SEE SENATE BILL 733 (2020) |
| <u>SENATE BILL 186</u> | REQUIRES THE DEPARTMENT OF EDUCATION TO ESTABLISH GUIDELINES FOR INDIVIDUALIZED EDUCATION PROGRAM (IEP) TEAMS TO USE TO ENSURE THAT IEP TEAMS CONSIDER THE NEED FOR AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE INSTRUCTION RELATED TO SEXUAL HEALTH, SELF PROTECTION AND RESTRAINT, RESPECT FOR PERSONAL PRIVACY, AND PERSONAL BOUNDARIES OF OTHERS. | ENACTED (2020) |
| <u>SENATE BILL 733</u> | ELIMINATES THE PROCEDURES AND PROCESSES [INCLUDING THE PERFORMANCE OF AN ULTRASOUND, THE PROVISION OF SPECIFIED INFORMATION, AND THE OFFER TO REVIEW CERTAIN PRINTED MATERIALS] REQUIRED UNDER EXISTING LAW TO EFFECT A PREGNANT PERSON'S INFORMED WRITTEN CONSENT PRIOR TO THE PERFORMANCE OF AN ABORTION. | ENACTED (2020) |
| <u>SENATE BILL 868</u> | PROHIBITS DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY. | ENACTED (2020) |

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| SENATE BILL 1001 | PROHIBITS ABORTION AFTER 20 WEEKS UNLESS IN THE CASE OF A MEDICAL EMERGENCY. | FAILED TO PASS THE SENATE COMMITTEE ON EDUCATION AND HEALTH (2020) |
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LEGISLATIVE KEY

SEX EDUCATION
REPRODUCTIVE HEALTH CARE
SEXUAL ORIENTATION AND GENDER IDENTITY
HIV/AIDS (THAT IMPACTS YOUTH)

YOUTH SEXUAL HEALTH DATA

Young people are more than their health behaviors and outcomes. While data can be a powerful tool to demonstrate the sex education and sexual health care needs of young people, it is important to be mindful that these behaviors and outcomes are impacted by systemic inequities present in our society that affect an individual's sexual health and well-being. To learn more about Virginia's Youth Risk Behavior Survey (YRBS) results, [click here](#).

STATE SCHOOL HEALTH PROFILES DATA

In 2019, the Centers for Disease Control and Prevention (CDC) released the School Health Profiles, which measure school health policies and practices and highlight which health topics were taught in schools across the country. Since the data were collected from self-administered questionnaires completed by schools' principals and lead health education teachers, the CDC notes that one limitation of the School Health Profiles is bias toward the reporting of more positive policies and practices. In the School Health Profiles, the [CDC identifies 20 sexual health education topics](#) as critical for ensuring a young person's sexual health. Below are key instruction highlights for secondary schools in Virginia as [reported](#) for the 2017–2018 school year.

Reported teaching all 20 critical sexual health education topics

- 17.2% of Virginia secondary schools taught students all 20 critical sexual health education topics in a required course in any of grades 6, 7, or 8.
- 27.0% of Virginia secondary schools taught students all 20 critical sexual health education topics in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about the benefits of being sexually abstinent

- 83.3% of Virginia secondary schools taught students about the benefits of being sexually abstinent in a required course in any of grades 6, 7, or 8.
- 93.0% of Virginia secondary schools taught students about the benefits of being sexually abstinent in a required course in any of grades 9, 10, 11, or 12.

Reported teaching how to access valid and reliable information, products, and services related to HIV, other STDs, and pregnancy

- 74.5% of Virginia secondary schools taught students how to access valid and reliable information, products, and services related to HIV, other STDs, and pregnancy in a required course in any of grades 6, 7, or 8.

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- 89.6% of Virginia secondary schools taught students how to access valid and reliable information, products, and services related to HIV, other STDs, and pregnancy in a required course in any of grades 9, 10, 11, or 12.

Reported teaching how to create and sustain healthy and respectful relationships

- 79.6% of Virginia secondary schools taught students how to create and sustain healthy and respectful relationships in a required course in any of grades 6, 7, or 8.
- 93.0% of Virginia secondary schools taught students how to create and sustain healthy and respectful relationships in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about preventive care that is necessary to maintain reproductive and sexual health

- 63.6% of Virginia secondary schools taught students about preventive care that is necessary to maintain reproductive and sexual health in a required course in any of grades 6, 7, or 8.
- 88.4% of Virginia secondary schools taught students about preventive care that is necessary to maintain reproductive and sexual health in a required course in any of grades 9, 10, 11, or 12.

Reported teaching how to correctly use a condom

- 27.1% of Virginia secondary schools taught students how to correctly use a condom in a required course in any of grades 6, 7, or 8.
- 47.8% of Virginia secondary schools taught students how to correctly use a condom in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about methods of contraception other than condoms

- 57.2% of Virginia secondary schools taught students about methods of contraception other than condoms in a required course in any of grades 6, 7, or 8.
- 76.5% of Virginia secondary schools taught students about methods of contraception other than condoms in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about sexual orientation

- 37.6% of Virginia secondary schools taught students about sexual orientation in a required course in any of grades 6, 7, or 8.
- 45.1% of Virginia secondary schools taught students about sexual orientation in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about gender roles, gender identity, or gender expression

- 40.5% of Virginia secondary schools taught students about gender roles, gender identity, or gender expression in a required course in any of grades 6, 7, or 8.
- 51.3% of Virginia secondary schools taught students about gender roles, gender identity, or gender expression in a required course in any of grades 9, 10, 11, or 12.

Reported providing curricula or supplementary materials relevant to lesbian, gay, bisexual, transgender, or questioning (LGBTQ) youth

- 42.9% of Virginia secondary schools provided students with curricula or supplementary materials that included HIV, STD, or pregnancy prevention information relevant to LGBTQ youth.

Visit the CDC's [School Health Profiles](#) report for additional information on school health policies and practices.

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The quality of sex education taught often reflects funding available for sex education programs.

To learn more about federal funding streams, [click here](#).