

The SIECUS State Profiles



TEXAS

TEXAS'S SEX ED SNAPSHOT

THE STATE OF SEX EDUCATION

Advocates in Texas have diligently worked against efforts to limit sex education across the state and are gearing up for a historic opportunity to advance comprehensive sex education for young people. While the Texas legislature is not in session in 2020, the Texas State Board of Education will be revising the Texas Essential Knowledge and Skills (TEKS) for Health Education for the first time in **over two decades**. The Texas Freedom Network, with support from SIECUS, are leading the #TeachTheTruth campaign and building coalition with partners across the state and country to ensure the School Board of Education takes steps to advance curriculum in Texas.

The Texas State Board of Education will hold a public hearing on the TEKS for Health Education in April of 2020, a final public hearing two months later, and will vote in September. Advocates are hopeful that with a strong campaign, young people across the state will soon receive advanced sex education.

While opponents of comprehensive sex education are in the minority in Texas, their voices are often the loudest and are being carefully considered by advocates. One opponent, Texas Values, is an organization that opposes advancements in access to abortion care, LGBTQ rights, and comprehensive sex education, and has historically mobilized opposition to advocate for restrictive policies when sex education curriculum is under review by the state and Independent School Districts (ISDs). Such opposition is fueled by federal abstinence-only funding and Texas receives the highest amount of abstinence-only funding in the country.

Since Texas schools are not required to provide sex education to students, school districts are left to decide what type of sex education—if any at all—they provide to youth. 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. Students of color make up the majority of Texas public school enrollment, and these young people need sex education curriculum that is trauma informed and culturally responsive to the structural barriers to reproductive health care and education that young people of color often face. For example, the Trump administration's continuous attack on immigrant communities has caused [many undocumented immigrants](#) to avoid seeking medical care out of fear of deportation. The [closure of 82 family planning clinics](#) in Texas between 2011 and 2016 has also directly impacted the ability of low-income families and individuals to access health care services.

In addition to inaccessible health services, a lack of reliable sex education curriculum further distances youth from comprehensive sexual health care and knowledge. A [2017 report](#) by the Texas Freedom Network found that **58.3 percent of school districts took an abstinence-only approach to sex education, 16.6 percent taught abstinence-plus curriculum, and 25 percent taught no sex education at all.** Advocates report that current sex education curriculum often includes discriminatory and false information about LGBTQ people and medically inaccurate information about abortion. Some textbooks have even been [reported](#) to omit condom usage as a strategy to avoid STIs and list condom use as a high risk behavior, while using shame and fear based tactics to emphasize the value of abstinence. Updating the TEKS for Health Education and advancing sex education curriculum in Texas is essential for ensuring young people receive bias-free, medically accurate, inclusive instruction that allows them to make informed decisions about their health and future. To adequately address the needs of young people, advocates report that curriculum must be comprehensive in its approach and include instruction on contraception and STI prevention, reproductive health care, sexual orientation and gender identity, and consent and sexual violence prevention.

Some districts in Texas have taken initiative to advance sex education in their communities. In October of 2019, the Austin Independent School District unanimously voted to approve comprehensive sex education curriculum for students in grades 3-8. The vote followed a three-hour school board meeting in which about 100 community members voiced their opinion on the new comprehensive measure.

Right now, advocates can take steps to improve sex education in their community. After contacting their ISDs to determine what sex education, if any at all, is currently being taught, advocates can vocalize the need for improved curriculum and develop local support for advancing sex education requirements. Advocates can focus on ensuring curriculum is medically accurate and culturally responsive to the needs of youth of color and LGBTQ youth, or ensure topics such as consent, healthy relationships, contraceptive options, and reproductive health care are included in sex education curriculum. Advocates can also contact their representatives to discuss the importance of the Texas School Board of Education advancing sex education curriculum and take part in the [#TeachTheTruth](#) campaign to get involved in local actions to prepare for the Texas School Board of Education's final vote on the TEKS for Health Education in September of 2020. 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

- Texas schools are not required to teach sex education.
 - If a school chooses to teach sex education, curriculum must emphasize abstinence.
- If a school chooses to teach sex education, curriculum must state that homosexuality is not an acceptable lifestyle to the general public and that it is a criminal offense under the Texas Penal Code. The United States Supreme Court handed down a decision in [Lawrence v. Texas](#) that declared state laws criminalizing homosexual behavior to be unconstitutional in 2003.
- Curriculum is not required to include instruction on consent.
- Parents or guardians may remove their children from any part of sex education instruction if it conflicts with their beliefs by submitting a written request to the teacher. [This is referred to as an "opt-out" policy.](#)
- Texas has no standard regarding medically accurate sex education instruction.

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STATE HOUSE HIGHLIGHTS

This section highlights sex education bills that were introduced during the 2019 state legislative session and will be updated when Texas's 2021 legislative session convenes. 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 Texas's profile.

2019 Legislative Session

House Bill 1012, (failed):

- Sought to require local school health advisory council to consist of five members appointed by the board of trustees. The bill would have prohibited school districts from distributing contraceptives to students and required the board of trustees to notify parents if they are considering a change to the content of a school's sex education instruction. The board would then be required to provide an opportunity for public comment. [An identical companion bill was introduced in the Senate.](#)

House Bill 2161, (failed):

- Sought to require schools to provide age-appropriate and medically accurate sex education. Under the bill, instruction would be required to cover human sexuality, pregnancy, STIs, abstinence as the preferred choice of behavior, the health benefits of methods approved by the FDA for preventing pregnancy, sexual harassment, and healthy relationships

House Bill 3144, (failed):

- Sought to require schools to provide age-appropriate and medically accurate sex education. Under the bill, instruction would be required to cover human sexuality, pregnancy, STIs, abstinence as the preferred choice of behavior, the health benefits of methods approved by the FDA for preventing pregnancy, consent, sexual harassment, and healthy relationships.

House Bill 3719, (failed):

- Sought to require schools to provide age-appropriate and medically accurate sex education. Under the bill, instruction would be required to cover human sexuality, affirming information on sexual orientation and gender identity, pregnancy, STIs, abstinence as the preferred choice of behavior, the health benefits of methods approved by the FDA for preventing pregnancy, consent, sexual harassment, healthy relationships, and the importance of regular gynecological exams, including pap smear screenings, and testing for STIs.

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MORE ON SEX ED IN TEXAS

State Law

Neither sex education nor education on human immunodeficiency virus (HIV) and other sexually transmitted infections (STIs) are statutorily mandated in Texas. However, [Texas Education Code §7.102\(c\)\(11\)](#) requires the State Board of Education to “adopt rules to carry out the curriculum required or authorized under [§28.002](#),” which includes “health.” This means all school districts must adhere to the Texas Essential Knowledge and Skills for Health Education standards. Accordingly, [Texas Education Code §§ 28.004](#), [Texas State Board of Education Administrative Code §§ 115.22](#), [115.23](#), [115.32](#), and [115.33](#) require that all “course materials and instruction relating to human sexuality” must:

1. Present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;
2. Devote more attention to abstinence from sexual activity than to any other behavior;
3. Emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100% effective in preventing pregnancy, sexually transmitted diseases (STDs), infection with HIV or acquired immune deficiency syndrome (AIDS), and the emotional trauma associated with adolescent sexual activity;
4. Direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy, STDs, and infection with HIV or AIDS; and
5. Teach contraception and condom use in terms of human-use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in curriculum content.

School districts may not distribute condoms and are allowed to “separate students according to sex for instructional purposes.” Each school district must also have a local health advisory council established by the school district’s board of trustees. The council must make recommendations to the school district about changes in that district’s curriculum and “appropriate grade levels and methods of instruction for human sexuality instruction.”^[v] This council also must “assist the district in ensuring that local community values are reflected in the district’s health education instruction.”

Texas Health and Safety Code [§85.007](#) and [§163.002](#) state that course materials and instruction must “state that homosexual conduct is not an acceptable lifestyle to the general public and is a criminal offense under [Section 21.06, Penal Code](#)” a common “no promotion of homosexuality” style law. The United States Supreme Court handed down a decision in [Lawrence v. Texas](#) that declared state laws criminalizing homosexual behavior to be unconstitutional in 2003, invalidating Section 21.06 despite it remaining in Texas Code.

Parents or guardians may remove their children from any part of sex education instruction if it conflicts with their “religious or moral beliefs” by submitting a written request to the teacher. [This is referred to as an “opt-out” policy.](#)

Last Updated April 8, 2020

State Standards

The [*Texas Essential Knowledge and Skills for Health Education*](#) includes standards for what the health curriculum should look like if provided. These standards include teaching students to “analyze the effectiveness and ineffectiveness of barrier protection and other contraceptive methods,” “analyze the importance of abstinence from sexual activity,” “summarize the facts related to HIV infection and [STDs],” and to understand “the emotional trauma associated with adolescent sexual activity.”

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 healthcare services prevent students from receiving comprehensive sex education and accessing sexual and reproductive healthcare services. Below are highlights of current legislative activity related to these topics. Texas legislative sessions occur every other year. Texas’s 2021 session convenes January 12, 2021.

2019 SESSION: ADJOURNED MAY 27, 2019

TITLE	DESCRIPTION	STATUS
HOUSE BILL 47	PROHIBITS PHYSICIANS FROM PERFORMING ABORTIONS UNLESS IN THE CASE OF A MEDICAL EMERGENCY.	DIED IN THE HOUSE COMMITTEE ON PUBLIC HEALTH
HOUSE BILL 84	REPEALS THE STATE STATUTE THAT PROHIBITS HOMOSEXUAL CONDUCT.	DIED IN THE HOUSE BILL ON CRIMINAL JURISPRUDENCE
HOUSE BILL 517	CLASSIFIES EFFORTS BY A MENTAL HEALTH PROVIDER TO CHANGE THE SEXUAL ORIENTATION OR GENDER IDENTITY OF A MINOR AS UNPROFESSIONAL CONDUCT.	DIED IN THE HOUSE COMMITTEE ON PUBLIC HEALTH
HOUSE BILL 896	PROHIBITS ABORTION.	DIED IN THE HOUSE COMMITTEE ON JUDICIARY & CIVIL JURISPRUDENCE
HOUSE BILL 938	PERMITS AN UNMARRIED, PREGNANT MINOR TO CONSENT TO EXAMINATION OR MEDICAL TREATMENT, OTHER THAN ABORTION, RELATED TO CONTRACEPTION.	DIED IN THE HOUSE COMMITTEE ON PUBLIC HEALTH
HOUSE BILL 980	REPEALS THE STATE STATUTE THAT PROHIBITS HOMOSEXUAL CONDUCT.	DIED IN THE HOUSE COMMITTEE ON CRIMINAL JURISPRUDENCE
HOUSE BILL 1012	REQUIRES THE LOCAL SCHOOL HEALTH ADVISORY COUNCIL TO CONSIST OF FIVE MEMBERS APPOINTED BY THE BOARD OF TRUSTEES. PROHIBITS SCHOOL DISTRICTS FROM DISTRIBUTING CONTRACEPTIVES TO STUDENTS ENROLLED IN THE DISTRICT, AND REQUIRES THE BOARD OF TRUSTEES TO NOTIFY PARENTS IF THEY ARE CONSIDERING A CHANGE TO THE CONTENT OF A SCHOOL’S SEX EDUCATION INSTRUCTION. THE BOARD MUST THEN PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT.	DIED IN THE HOUSE COMMITTEE ON PUBLIC EDUCATION

Last Updated April 8, 2020

<u>HOUSE BILL 1190</u>	CLASSIFIES EFFORTS BY A MENTAL HEALTH PROVIDER TO CHANGE THE SEXUAL ORIENTATION OR GENDER IDENTITY OF A MINOR AS UNPROFESSIONAL CONDUCT.	DIED IN THE HOUSE COMMITTEE ON PUBLIC HEALTH
<u>HOUSE BILL 1500</u>	PROHIBITS ABORTION IF A FETAL HEARTBEAT IS DETECTED UNLESS IN THE CASE OF A MEDICAL EMERGENCY.	DIED IN THE HOUSE COMMITTEE ON PUBLIC HEALTH
<u>HOUSE BILL 1685</u>	PROHIBITS ABORTION UNLESS IN THE CASE OF A MEDICAL EMERGENCY.	DIED IN THE HOUSE COMMITTEE ON CRIMINAL JURISPRUDENCE
<u>HOUSE BILL 2161</u>	REQUIRES SCHOOLS TO PROVIDE AGE-APPROPRIATE AND MEDICALLY ACCURATE SEX EDUCATION. INSTRUCTION MUST COVER HUMAN SEXUALITY, PREGNANCY, STIs, ABSTINENCE AS THE PREFERRED CHOICE OF BEHAVIOR, THE HEALTH BENEFITS OF METHODS APPROVED BY THE FDA FOR PREVENTING PREGNANCY, SEXUAL HARASSMENT, AND HEALTHY RELATIONSHIPS.	DIED IN THE HOUSE COMMITTEE ON PUBLIC EDUCATION
<u>HOUSE BILL 2434</u>	PROHIBITS ABORTION BASED ON RACE, ETHNICITY, SEX, OR DISABILITY OR PROBABILITY OF DIAGNOSIS OF A DISABILITY.	DIED IN THE HOUSE COMMITTEE ON STATE AFFAIRS
<u>HOUSE BILL 3107</u>	REQUIRES HOSPITALS AND HEALTH CARE FACILITIES TO PROVIDE WRITTEN NOTICE TO EACH STAFF MEMBER THAT STATES THE INDIVIDUAL HAS A RIGHT TO OBJECT IN PERFORMING OR PARTICIPATING IN AN ABORTION PROCEDURE.	DIED IN THE HOUSE COMMITTEE ON PUBLIC HEALTH
<u>HOUSE BILL 3605</u>	PERMITS COURTS TO APPOINT AN ATTORNEY TO REPRESENT A FETUS OR EMBRYO IF A PREGNANT MINOR WISHES TO WAIVE THE STATE'S PARENTAL CONSENT REQUIREMENTS.	DIED IN THE HOUSE COMMITTEE ON JUDICIARY & CIVIL JURISPRUDENCE
<u>HOUSE BILL 3144</u>	REQUIRES SCHOOLS TO PROVIDE AGE-APPROPRIATE AND MEDICALLY ACCURATE SEX EDUCATION. INSTRUCTION MUST COVER HUMAN SEXUALITY, PREGNANCY, STIs, ABSTINENCE AS THE PREFERRED CHOICE OF BEHAVIOR, THE HEALTH BENEFITS OF METHODS APPROVED BY THE FDA FOR PREVENTING PREGNANCY, CONSENT, SEXUAL HARASSMENT, AND HEALTHY RELATIONSHIPS.	DIED IN THE HOUSE COMMITTEE ON PUBLIC EDUCATION
<u>HOUSE BILL 3719</u>	REQUIRES SCHOOLS TO PROVIDE AGE-APPROPRIATE AND MEDICALLY ACCURATE SEX EDUCATION. INSTRUCTION MUST COVER HUMAN SEXUALITY, AFFIRMING INFORMATION ON SEXUAL ORIENTATION AND GENDER IDENTITY, PREGNANCY, STIs, ABSTINENCE AS THE PREFERRED CHOICE OF BEHAVIOR, THE HEALTH BENEFITS OF METHODS APPROVED BY THE FDA FOR PREVENTING PREGNANCY, CONSENT, SEXUAL HARASSMENT, HEALTHY RELATIONSHIPS, AND THE IMPORTANCE OF REGULAR GYNECOLOGICAL EXAMS, INCLUDING PAP SMEAR SCREENINGS, AND TESTING FOR STIs.	DIED IN THE HOUSE COMMITTEE ON PUBLIC EDUCATION

Last Updated April 8, 2020

<u>HOUSE BILL 4466</u>	PROHIBITS PROVIDERS FROM ENGAGING IN CONVERSION THERAPY WITH A MINOR.	DIED IN THE HOUSE COMMITTEE ON PUBLIC HEALTH
<u>SENATE BILL 114</u>	REPEALS THE STATE STATUTES THAT CRIMINALIZE HOMOSEXUAL CONDUCT AND OUTLAWS SAME-SEX MARRIAGES.	DIED IN THE SENATE COMMITTEE ON STATE AFFAIRS
<u>SENATE BILL 149</u>	PERMITS AN UNMARRIED, PREGNANT MINOR TO CONSENT TO EXAMINATION OR MEDICAL TREATMENT, OTHER THAN ABORTION, RELATED TO CONTRACEPTION.	DIED IN THE SENATE COMMITTEE ON HEALTH & HUMAN SERVICES
<u>SENATE BILL 150</u>	ASSERTS THE FUNDAMENTAL RIGHT TO CHOOSE TO OBTAIN AN ABORTION AND THAT THE STATE MAY NOT PROHIBIT SOMEONE FROM OBTAINING AN ABORTION AT ANY TIME IF THE ABORTION IS NECESSARY TO PROTECT THE PERSON'S LIFE OR HEALTH.	DIED IN THE SENATE COMMITTEE ON HEALTH & HUMAN SERVICES
<u>SENATE BILL 152</u>	REPEALS THE STATE PENAL CODE THAT BANS HOMOSEXUAL CONDUCT.	DIED IN THE SENATE COMMITTEE ON STATE AFFAIRS
<u>SENATE BILL 784</u>	REQUIRES THE LOCAL SCHOOL HEALTH ADVISORY COUNCIL TO CONSIST OF FIVE MEMBERS APPOINTED BY THE BOARD OF TRUSTEES. PROHIBITS SCHOOL DISTRICTS FROM DISTRIBUTING CONTRACEPTIVES TO STUDENTS ENROLLED IN THE DISTRICT, AND REQUIRES THE BOARD OF TRUSTEES TO NOTIFY PARENTS IF THEY ARE CONSIDERING A CHANGE TO THE CONTENT OF A SCHOOL'S SEX EDUCATION INSTRUCTION. THE BOARD MUST THEN PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT.	DIED IN THE SENATE COMMITTEE ON PUBLIC EDUCATION
<u>SENATE BILL 1033</u>	PROHIBITS ABORTION BASED ON RACE, ETHNICITY, SEX, OR DISABILITY OR PROBABILITY OF DIAGNOSIS OF A DISABILITY.	DIED IN THE SENATE COMMITTEE ON STATE AFFAIRS
<u>SENATE BILL 1251</u>	CLASSIFIES EFFORTS BY A MENTAL HEALTH PROVIDER TO CHANGE THE SEXUAL ORIENTATION OR GENDER IDENTITY OF A MINOR AS UNPROFESSIONAL CONDUCT.	DIED IN THE SENATE COMMITTEE ON HEALTH & HUMAN SERVICES
<u>SENATE BILL 2160</u>	PROHIBITS ABORTION UNLESS IN THE CASE OF A MEDICAL EMERGENCY.	DIED IN THE SENATE COMMITTEE ON STATE AFFAIRS

LEGISLATIVE KEY

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

Last Updated April 8, 2020

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 Texas'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.

Texas did not participate in the 2016 or 2018 School Health Profiles survey.

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

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