MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Clarke

To: Education; Youth and Family Affairs

HOUSE BILL NO. 736

AN ACT TO AMEND SECTION 37-13-151, MISSISSIPPI CODE OF 1972, TO REQUIRE ALL LOCAL SCHOOL DISTRICTS TO PROVIDE PROGRAMS OF EDUCATION IN HOME ECONOMICS/FAMILY DYNAMICS TO STUDENTS IN GRADES 7 THROUGH 9; TO REQUIRE COURSE WORK TO INCLUDE INSTRUCTION IN BIRTH TO AGE THREE DEVELOPMENT, FINANCIAL MANAGEMENT AND HOUSEHOLD FINANCES, AND TEEN PREGNANCY PREVENTION; TO REQUIRE THAT THE CURRICULUM AND COURSEWORK FOCUS ON THE ROLE OF THE FAMILY BY ADDRESSING CONCERNS OF THE COMMUNITY AND GLOBAL SOCIETY BY COORDINATING WITH NATIONAL FAMILY CAREER AND COMMUNITY LEADERS OF AMERICA (FCCLA) PROGRAMS; TO AMEND SECTION 37-13-153, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT STATE FUNDING FOR HOME ECONOMICS/FAMILY DYNAMICS BE INCLUDED IN THE ADEQUATE EDUCATION APPROPRIATION FOR EACH APPROPRIATE YEAR; TO AMEND SECTION 37-13-171, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT COMPONENTS OF ABSTINENCE-ONLY EDUCATION OR ABSTINENCE-PLUS EDUCATION CURRICULUM MAY BE USED BY INSTRUCTORS OF HOME ECONOMICS/FAMILY DYNAMICS TO SATISFY THE COURSE REQUIREMENTS FOR INSTRUCTION ON TEEN PREGNANCY PREVENTION; TO BRING FORWARD SECTION 37-1-3, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-13-151, Mississippi Code of 1972, is amended as follows:

37-13-151. (1) Before * * * September 1, 2022, all local school districts shall provide programs of education in home economics, to be known as family dynamics, in Grade * * * 7, 8 or 9, which include course work in responsible parenting, birth to

age three (3) development, financial management and household financing, teen pregnancy prevention and family living skills. These programs shall contain instruction to prepare students to understand children's physical, mental, emotional and social growth and development as well as to assume responsibility for their care and guidance, with emphasis on nutrition, emotional health and physical health. * * *

(2) The curriculum and coursework for home economics/family dynamics shall focus on the role of the family in assisting individuals in attaining the highest potential by addressing concerns of the community and global society by coordinating with national Family Career and Community Leaders of America (FCCLA) programs. Emphasis shall be given to dynamics of family life, individual development, life relationships, responsible parenting, crisis management, resource management, civic responsibility, healthy living, housing decisions, career planning and trends affecting families.

SECTION 2. Section 37-13-153, Mississippi Code of 1972, is amended as follows:

37-13-153. Beginning with the 2022-2023 academic school year, and each year thereafter, state funding for the home economics/family dynamics programs required in Section 37-13-151 shall be * * * included in the * * * adequate education program and vocational education appropriation bills for each fiscal year * * * beginning with the 2023-2024 fiscal year. There shall

be a line item specifying the amount that is to be expended to employ no less than one (1) instructor in *** * *** each school district in the state. Any funds so appropriated by line item which are not expended for this purpose in the vocational education appropriation may be expended for other related home economics vocational purposes during the fiscal year for which those funds were appropriated. *** * ***

SECTION 3. Section 37-13-171, Mississippi Code of 1972, is amended as follows:

37-13-171. (1) The local school board of every public school district shall adopt a policy to implement abstinence-only or abstinence-plus education into its curriculum by June 30, 2012, which instruction in those subjects shall be implemented not later than the start of the 2012-2013 school year or the local school board shall adopt the program which has been developed by the Mississippi Department of Human Services and the Mississippi Department of Health. The State Department of Education shall approve each district's curriculum for sex-related education and shall establish a protocol to be used by districts to provide continuity in teaching the approved curriculum in a manner that is age, grade and developmentally appropriate.

(2) Abstinence-only education shall remain the state standard for any sex-related education taught in the public schools. For purposes of this section, abstinence-only education

includes any type of instruction or program which, at an appropriate age and grade:

(a) Teaches the social, psychological and health gains to be realized by abstaining from sexual activity, and the likely negative psychological and physical effects of not abstaining;

(b) Teaches the harmful consequences to the child, the child's parents and society that bearing children out of wedlock is likely to produce, including the health, educational, financial and other difficulties the child and his or her parents are likely to face, as well as the inappropriateness of the social and economic burden placed on others;

(c) Teaches that unwanted sexual advances are irresponsible and teaches how to reject sexual advances and how alcohol and drug use increases vulnerability to sexual advances;

(d) Teaches that abstinence from sexual activity before marriage, and fidelity within marriage, is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases and related health problems. The instruction or program may include a discussion on condoms or contraceptives, but only if that discussion includes a factual presentation of the risks and failure rates of those contraceptives. In no case shall the instruction or program include any demonstration of how condoms or other contraceptives are applied;

(e) Teaches the current state law related to sexual conduct, including forcible rape, statutory rape, paternity establishment, child support and homosexual activity; and

(f) Teaches that a mutually faithful, monogamous relationship in the context of marriage is the only appropriate setting for sexual intercourse.

(3) A program or instruction on sex-related education need not include every component listed in subsection (2) of this section for abstinence-only education. However, no program or instruction under an abstinence-only curriculum may include anything that contradicts the excluded components. For purposes of this section, abstinence-plus education includes every component listed under subsection (2) of this section that is age and grade appropriate, in addition to any other programmatic or instructional component approved by the department, which shall not include instruction and demonstrations on the application and use of condoms. Abstinence-plus education may discuss other contraceptives, the nature, causes and effects of sexually transmitted diseases, or the prevention of sexually transmitted diseases, including HIV/AIDS, along with a factual presentation of the risks and failure rates.

(4) Any course containing sex-related education offered in the public schools shall include instruction in either abstinence-only or abstinence-plus education.

(5) Local school districts, in their discretion, may host programs designed to teach parents how to discuss abstinence with their children.

(6) There shall be no effort in either an abstinence-only or an abstinence-plus curriculum to teach that abortion can be used to prevent the birth of a baby.

(7) At all times when sex-related education is discussed or taught, boys and girls shall be separated according to gender into different classrooms, sex-related education instruction may not be conducted when boys and girls are in the company of any students of the opposite gender.

(8) The components of abstinence-only education or an abstinence-plus education curriculum prescribed in this section may be used by any instructor employed by a school district to teach home economics/family dynamics to satisfy the course requirements for instruction on teen pregnancy prevention.

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SECTION 4. Section 37-1-3, Mississippi Code of 1972, is brought forward as follows:

37-1-3. (1) The State Board of Education shall adopt rules and regulations and set standards and policies for the organization, operation, management, planning, budgeting and programs of the State Department of Education.

(a) The board is directed to identify all functions of the department that contribute to or comprise a part of the state

system of educational accountability and to establish and maintain within the department the necessary organizational structure, policies and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various aspects of the system and for overall coordination of the total system and its effective management.

(b) The board shall establish and maintain a system-wide plan of performance, policy and directions of public education not otherwise provided for.

(c) The board shall effectively use the personnel and resources of the department to enhance technical assistance to school districts in instruction and management therein.

(d) The board shall establish and maintain a central budget policy.

(e) The board shall establish and maintain within the State Department of Education a central management capacity under the direction of the State Superintendent of Public Education.

(f) The board, with recommendations from the superintendent, shall design and maintain a five-year plan and program for educational improvement that shall set forth objectives for system performance and development and be the basis for budget requests and legislative initiatives.

(2) (a) The State Board of Education shall adopt and maintain a curriculum and a course of study to be used in the

public school districts that is designed to prepare the state's children and youth to be productive, informed, creative citizens, workers and leaders, and it shall regulate all matters arising in the practical administration of the school system not otherwise provided for.

(b) Before the 1999-2000 school year, the State Board of Education shall develop personal living and finances objectives that focus on money management skills for individuals and families for appropriate, existing courses at the secondary level. The objectives must require the teaching of those skills necessary to handle personal business and finances and must include instruction in the following:

(i) Opening a bank account and assessing the quality of a bank's services;

(ii) Balancing a checkbook;

(iii) Managing debt, including retail and credit card debt;

(iv) Completing a loan application;

(v) The implications of an inheritance;

(vi) The basics of personal insurance policies;

(vii) Consumer rights and responsibilities;

(viii) Dealing with salesmen and merchants;

(ix) Computing state and federal income taxes;

(x) Local tax assessments;

(xi) Computing interest rates by various mechanisms;

(xii) Understanding simple contracts; and

(xiii) Contesting an incorrect billing statement.

(3) The State Board of Education shall have authority to expend any available federal funds, or any other funds expressly designated, to pay training, educational expenses, salary incentives and salary supplements to licensed teachers employed in local school districts or schools administered by the State Board of Education. Such incentive payments shall not be considered part of a school district's local supplement as defined in Section 37-151-5(o), nor shall the incentives be considered part of the local supplement paid to an individual teacher for the purposes of Section 37-19-7(1). MAEP funds or any other state funds shall not be used to provide such incentives unless specifically authorized by law.

(4) The State Board of Education shall through its actions seek to implement the policies set forth in Section 37-1-2.

SECTION 5. This act shall take effect and be in force from and after July 1, 2021.