

1 AN ACT relating to rights in public schools.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "External health care provider" means a provider of health or mental*
7 *health services that is not employed by or contracted with the school district*
8 *to provide services to the district's students;*

9 *(b) "Health services" has the same meaning as in KRS 156.502;*

10 *(c) "Mental health services" means services provided by a school-based mental*
11 *health services provider as defined in KRS 158.4416; and*

12 *(d) "Parent" means a person who has legal custody or control of the student*
13 *such as a mother, father, or guardian.*

14 *(2) Upon a student's enrollment and at the beginning of each school year, the district*
15 *shall provide a notification to the student's parents listing each of the health*
16 *services and mental health services available at the student's school and of the*
17 *parents' right to withhold consent or decline any specific service. A parent's*
18 *consent to a health service or mental health service shall not waive the parent's*
19 *right to access the student's educational or health records held by the district or*
20 *the notifications required under subsection (3) of this section.*

21 *(3) Except as provided in subsection (5) of this section, as part of a school district's*
22 *effort to provide a safe and supportive learning environment for students, a*
23 *school shall notify a student's parents if:*

24 *(a) The school changes the health services or mental health services provided to*
25 *the student; or*

26 *(b) School personnel make a referral for the student to receive a school's health*
27 *services or mental health services or a referral to an external health care*

1 provider.

2 (4) School districts and district personnel shall respect the rights of parents to make
3 decisions regarding the upbringing and control of the student through
4 procedures encouraging students to discuss mental or physical health or life
5 issues with their parents or through facilitating the discussion with their parents.

6 (5) (a) The Kentucky Board of Education or the Kentucky Department of
7 Education shall not require or recommend that a local school district keep
8 any student information confidential from a student's parents. A district or
9 school shall not adopt policies or procedures with the intent of keeping any
10 student information confidential from parents.

11 (b) The Kentucky Board of Education or the Kentucky Department of
12 Education shall not require or recommend policies or procedures for the
13 use of pronouns that do not conform to a student's biological sex as
14 indicated on the student's original, unedited birth certificate issued at the
15 time of birth pursuant to KRS 156.070(2)(g)2.

16 (c) A local school district shall not require school personnel or students to use
17 pronouns for students that do not conform to that particular student's
18 biological sex as referenced in paragraph (b) of this subsection.

19 (d) Nothing in this subsection shall prohibit a school district or district
20 personnel from withholding information from a parent if a reasonably
21 prudent person would believe, based on previous conduct and history, that
22 the disclosure would result in the child becoming a dependent child or an
23 abused or neglected child as defined in KRS 600.020. The fact that district
24 personnel withhold information from a parent under this subsection shall
25 not in itself constitute evidence of failure to report dependency, neglect, or
26 abuse to the Cabinet for Health and Family Services under KRS 620.030.

27 (6) Nothing in this section shall prohibit a school district or district personnel from

1 seeking emergency medical services for a student as outlined in the district's
2 policies.

3 →Section 2. KRS 158.1415 is amended to read as follows:

4 **(1)** If a school council or, if none exists, the principal adopts a curriculum for human
5 sexuality or sexually transmitted diseases, instruction shall include but not be
6 limited to the following content:

7 **(a)**~~[(1)]~~ Abstinence from sexual activity is the desirable goal for all school-age
8 children;

9 **(b)**~~[(2)]~~ Abstinence from sexual activity is the only certain way to avoid
10 unintended pregnancy, sexually transmitted diseases, and other associated
11 health problems; and

12 **(c)**~~[(3)]~~ The best way to avoid sexually transmitted diseases and other associated
13 health problems is to establish a permanent mutually faithful monogamous
14 relationship.

15 **(2)** Any course, curriculum, or program offered by a public school on the subject of
16 human sexuality provided by school personnel or by third parties authorized by
17 the school shall:

18 **(a)** Allow for the parents of a student to decline their student's participation in
19 the course, curriculum, or program and shall provide an alternative course,
20 curriculum, or program without any penalty to the student's grade or
21 standing;

22 **(b)** Be subject to an inspection by parents of participating students that allows
23 parents to review the following materials:

24 **1. Curriculum;**

25 **2. Instructional materials;**

26 **3. Lesson plans;**

27 **4. Assessments or tests;**

- 1 5. Surveys or questionnaires;
2 6. Assignments; and
3 7. Instructional activities;
4 (c) Be developmentally appropriate; and
5 (d) Be limited to a curriculum that has been subject to the reasonable review
6 and response by stakeholders in conformity with this subsection and KRS
7 160.345(2).
- 8 (3) A public school offering any course, curriculum, or program on the subject of
9 human sexuality shall provide written notification to the parents of a student at
10 least two (2) weeks prior to the student's planned participation in the course,
11 curriculum, or program. The written notification shall:
- 12 (a) Inform the parents of the provisions of subsection (2) of this section;
13 (b) Provide the date the course, curriculum, or program is scheduled to begin;
14 (c) Detail the process for a parent to review the materials outlined in subsection
15 (2) of this section;
16 (d) Explain the process for a parent to decline the student's participation in the
17 course, curriculum, or program; and
18 (e) Provide the contact information for the teacher or instructor of the course,
19 curriculum, or program and a school administrator designated with
20 oversight.
- 21 (4) Nothing in this section shall prohibit school personnel from:
- 22 (a) Discussing human sexuality, including the sexuality of any historic person,
23 group, or public figure, where the discussion provides necessary context in
24 relation to a topic of instruction from a curriculum approved pursuant to
25 KRS 160.345; or
26 (b) Responding to a question from a student during class regarding human
27 sexuality as it relates to a topic of instruction from a curriculum approved

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pursuant to KRS 160.345.