

SENATE BILL 258

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING THAT HEALTH EDUCATION COURSES SHALL INCLUDE COMPREHENSIVE HUMAN SEXUALITY EDUCATION BEGINNING IN THE 2027-2028 SCHOOL YEAR FOR MIDDLE SCHOOL AND HIGH SCHOOL GRADES; PROVIDING THAT ONE-HALF UNIT OF HEALTH EDUCATION SHALL BE A GRADUATION REQUIREMENT FOR STUDENTS ENTERING THE NINTH GRADE IN THE 2027-2028 SCHOOL YEAR; REQUIRING SCHOOL DISTRICTS AND CHARTER SCHOOLS TO SUBMIT AN IMPLEMENTATION PLAN FOR COMPREHENSIVE HUMAN SEXUALITY

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EDUCATION; REQUIRING THE PUBLIC EDUCATION DEPARTMENT TO DEVELOP ACADEMIC CONTENT AND PERFORMANCE STANDARDS FOR COMPREHENSIVE HUMAN SEXUALITY EDUCATION; DEFINING TERMS; PROVIDING MINIMUM REQUIREMENTS FOR ACADEMIC CONTENT FOR COMPREHENSIVE HUMAN SEXUALITY EDUCATION; REQUIRING THE PUBLIC EDUCATION DEPARTMENT TO ESTABLISH A PROCESS TO APPROVE SCHOOL DISTRICTS' CURRICULA FOR COMPREHENSIVE HUMAN SEXUALITY EDUCATION AND TO DEVELOP MODEL CURRICULA FOR MIDDLE SCHOOL AND HIGH SCHOOL GRADES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-13-1 NMSA 1978 (being Laws 2003, Chapter 153, Section 57, as amended by Laws 2016, Chapter 17, Section 1 and by Laws 2016, Chapter 18, Section 1) is amended to read:

"22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS REQUIRED--ACCREDITATION.--

A. The department shall require public schools to address department-approved academic content and performance standards when instructing in specific department-required subject areas as provided in this section. A public school or school district failing to meet these minimum requirements shall not be accredited by the department.

B. All kindergarten through third grade classes shall provide daily instruction in reading and language arts skills, including phonemic awareness, phonics and

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comprehension, and in mathematics. Students in kindergarten and first grades shall be screened and monitored for progress in reading and language arts skills, and students in second grade shall take diagnostic tests on reading and language arts skills.

C. All first, second and third grade classes shall provide instruction in art, music and a language other than English, and instruction that meets content and performance standards shall be provided in science, social studies, physical education and health education.

D. In fourth through eighth grades, instruction that meets academic content and performance standards shall be provided in the following subject areas:

- (1) reading and language arts skills, with an emphasis on writing and editing for at least one year and an emphasis on grammar and writing for at least one year;
- (2) mathematics;
- (3) language other than English;
- (4) communication skills;
- (5) science;
- (6) art;
- (7) music;
- (8) social studies;
- (9) New Mexico history;
- (10) United States history;

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- (11) geography;
- (12) physical education; and
- (13) health education.

E. Beginning with the 2008-2009 school year, in eighth grade, algebra 1 shall be offered in regular classroom settings or through online courses or agreements with high schools.

F. In fourth through eighth grades, school districts shall offer electives that contribute to academic growth and skill development and provide career and technical education. In sixth through eighth grades, media literacy may be offered as an elective.

G. [~~In ninth through twelfth grades~~] For students entering seventh grade beginning in the 2027-2028 school year, instruction that meets academic content and performance standards shall be provided in health education, and the local school board or charter school governing body shall determine in which middle school grade health education shall be offered.

H. All health education courses shall include:

(1) age-appropriate [~~sexual abuse and assault awareness and prevention training that meets department standards developed in consultation with the federal centers for disease control and prevention that are based on evidence-based methods that have proven to be effective~~] comprehensive human sexuality education that meets department academic

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content and performance standards and establishes the foundation for high school coursework in comprehensive human sexuality education; provided that a student shall be excused from this portion of health education at the parent's direction. The secretary shall promulgate rules for:

(a) the use of the following instructors for comprehensive human sexuality education: 1) school nurses, health or science teachers and athletic department personnel; and 2) any qualified private person, including a community organization; and

(b) department approval of curricula and instructional materials for comprehensive human sexuality education; and

(2) lifesaving skills training that follows nationally recognized guidelines for hands-on psychomotor skills cardiopulmonary resuscitation training. Students shall be trained to recognize the signs of a heart attack, use an automated external defibrillator and perform the Heimlich maneuver for choking victims. The secretary shall promulgate rules to provide for the:

(a) use of the following instructors for the training provided pursuant to this paragraph: 1) school nurses, health teachers and athletic department personnel as instructors; and 2) any qualified persons volunteering to provide training at no cost to the school district that the

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school district determines to be eligible to offer instruction pursuant to this paragraph; and

(b) approval of training and instructional materials related to the training established pursuant to this paragraph in both English and Spanish."

SECTION 2. Section 22-13-1.1 NMSA 1978 (being Laws 1986, Chapter 33, Section 5, as amended) is amended to read:

"22-13-1.1. GRADUATION REQUIREMENTS--NEXT-STEP PLANS.--

A. The purpose of the New Mexico diploma of excellence is to demonstrate that a student is ready for success in post-secondary education, gainful employment and citizenship and is equipped with the skills to be a lifelong learner. The purpose of the state's minimum graduation requirements is to establish rigorous expectations to support that success.

B. School districts and charter schools are encouraged to make available courses and programs of study that allow students to pursue a range of post-secondary opportunities and workforce opportunities and gain knowledge in entrepreneurship principles, as determined by the student's next-step plan and the school district's or charter school's graduate profile.

C. At the end of grades eight through eleven, each student shall prepare an interim next-step plan that sets forth the coursework for the grades remaining until high school

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graduation. Each year's plan shall be aligned to the graduate profile of the student's school district or charter school, shall be completed on a department-approved template, shall explain any differences from previous interim next-step plans, shall be filed with the principal of the student's high school and shall be signed by the student, the student's parent and the student's guidance counselor or other school official charged with coursework planning for the student.

D. Each student must complete a final next-step plan during the senior year and prior to graduation. The plan shall be aligned to the graduate profile of the student's school district or charter school, shall be completed on a department-approved template, shall be filed with the principal of the student's high school and shall be signed by the student, the student's parent and the student's guidance counselor or other school official charged with coursework planning for the student.

E. An individualized education plan that meets the requirements of Subsections C and D of this section and that meets all applicable transition and procedural requirements of the federal Individuals with Disabilities Education Act for a student with a disability shall satisfy the next-step plan requirements of this section for that student.

F. A local school board or governing body of a charter school shall ensure that each high school student

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develops a next-step plan based on reports of college and workplace readiness assessments, as available, and other factors and is reasonably informed about:

(1) curricular and course options, including honors or advanced placement courses, international baccalaureate courses, dual-credit courses, distance learning courses, career clusters and career pathways, pre-apprenticeship programs or remediation programs that the college and workplace readiness assessments indicate to be appropriate;

(2) opportunities available that lead to different post-high-school options; and

(3) alternative opportunities available if the student does not finish a planned curriculum.

G. The secretary shall:

(1) establish specific accountability standards for administrators, counselors, teachers and other appropriate school district or charter school employees to ensure that every student has the opportunity to develop a next-step plan;

(2) promulgate rules for accredited private schools in order to ensure substantial compliance with the provisions of this section;

(3) monitor compliance with the requirements of this section; and

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(4) compile such information as is necessary to evaluate the success of next-step plans and report annually, by December 15, to the legislative education study committee and the governor.

H. Once a student has entered ninth grade, the graduation requirements shall not be changed for that student from the requirements specified in the law at the time the student entered ninth grade.

I. For students entering the ninth grade beginning in the 2009-2010 school year, at least one of the units required for graduation shall be earned as an advanced placement or honors course, a dual-credit course offered in cooperation with an institution of higher education or a distance learning course.

J. The department shall establish a procedure for students to be awarded credit through completion of specified career technical education for certain graduation requirements, and districts may choose to allow students who successfully complete an industry-recognized credential, a certificate or a degree to receive additional weight in the calculation of the student's grade point average.

K. Successful completion of the requirements of the New Mexico diploma of excellence shall be required for graduation for students entering the ninth grade beginning in the 2009-2010 school year. Successful completion of a minimum

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of twenty-four units aligned to the state academic content and performance standards shall be required to earn a New Mexico diploma of excellence. These units shall be as follows:

(1) four units in English, with major emphasis on grammar, nonfiction writing and literature; provided that department-approved work-based training or career and technical education courses that meet state English academic content performance standards shall qualify as one of the four required English units;

(2) four units in mathematics, of which one shall be the equivalent to or higher than the level of algebra 2, unless the parent submitted written, signed permission for the student to complete a lesser mathematics unit; and provided that a financial literacy course or department-approved work-based training or career and technical education course that meets state mathematics academic content and performance standards shall qualify as one of the four required mathematics units;

(3) three units in science, two of which shall have a laboratory component; provided that department-approved work-based training or career and technical education courses that meet state science academic content and performance standards shall qualify as one of the three required science units;

(4) three and one-half units in social

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science, which shall include United States history and geography, world history and geography, government and economics and one-half unit of New Mexico history;

(5) one unit in physical education, as determined by each school district or charter school, which may include a physical education program that meets state content and performance standards or participation in marching band, junior reserve officers' training corps or interscholastic sports sanctioned by the New Mexico activities association or any other co-curricular physical activity;

(6) one unit in one of the following: a career cluster course, workplace readiness or a language other than English; and

(7) seven and one-half elective units that meet department content and performance standards. Career and technical education courses shall be offered as an elective. Student service learning shall be offered as an elective. Financial literacy shall be offered as an elective. Pre-apprenticeship programs may be offered as electives. Media literacy may be offered as an elective.

L. For students entering the eighth grade in the 2012-2013 school year, one-half unit in health education is required prior to graduation. Health education may be required in either middle school or high school, as determined by the school district or charter school. Health education courses

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shall include:

(1) age-appropriate sexual abuse and assault awareness and prevention training that meets department standards developed in consultation with the federal centers for disease control and prevention that are based on evidence-based methods that have proven to be effective; and

(2) lifesaving skills training that follows nationally recognized guidelines for hands-on psychomotor skills cardiopulmonary resuscitation training. Students shall be trained to recognize the signs of a heart attack, use an automated external defibrillator and perform the Heimlich maneuver for choking victims. The secretary shall promulgate rules to provide for the:

(a) use of the following instructors for the training provided pursuant to this paragraph: 1) school nurses, health teachers and athletic department personnel as instructors; and 2) any qualified persons volunteering to provide training at no cost to the school district or charter school that the school district or charter school determines to be eligible to offer instruction pursuant to this paragraph; and

(b) approval of training and instructional materials related to the training established pursuant to this paragraph in both English and Spanish.

M. For students entering the ninth grade in the

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2017-2018 school year and subsequent school years:

(1) one of the units in mathematics required by Paragraph (2) of Subsection K of this section may comprise a computer science course if the course is not used to satisfy any part of the requirement set forth in Paragraph (3) of that subsection; and

(2) one of the units in science required by Paragraph (3) of Subsection K of this section may comprise a computer science course if the course is not used to satisfy any part of the requirement set forth in Paragraph (2) of that subsection.

N. Final examinations shall be administered to all students in all classes offered for credit.

O. Beginning with students entering the ninth grade in the 2025-2026 school year, successful completion of a minimum of twenty-four units aligned to the state academic content and performance standards shall be required for graduation and the award of a diploma of excellence. These units shall be as follows:

(1) four units in English, which shall include a three-unit sequence; provided that department-approved work-based learning, career technical education or English language development courses that meet state English or English language development academic content and performance standards may qualify as required English units;

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(2) four units in mathematics, two of which shall include a sequence of algebra 1 and geometry or another integrated pathway of mathematics equivalent to algebra 1 and geometry; provided that financial literacy courses or department-approved work-based learning or career technical education courses that meet state mathematics academic content and performance standards may qualify as required mathematics units; and provided further that algebra 2 shall be offered as a mathematics course;

(3) three units in science, two of which shall have a laboratory component; provided that department-approved work-based learning or career technical education courses that meet state science academic content and performance standards may qualify as required science units;

(4) four units in social science, which shall include United States history and geography, which course content contains New Mexico history; government and economics and personal financial literacy, which course content contains civics; and world history and geography;

(5) one unit in physical education, as determined by the school district or charter school, which may include a physical education program that meets state academic content and performance standards or participation in marching band, dance programs, junior reserve officers' training corps or interscholastic sports sanctioned by the New Mexico

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activities association or any other co-curricular physical activity;

(6) one-half unit in health education

SHPAC→;←SHPAC SHPAC→~~[provided that this one-half unit may be earned in either middle or high school]~~←SHPAC SHPAC→provided that this one-half unit may be earned in either middle or high school←SHPAC ;

(7) five and one-half elective units that meet department academic content and performance standards and that shall include a two-unit pathway concentration of the student's choice in a language other than English, including American sign language; fine arts; health; military career preparation; a career technical education program; or community or service learning, a capstone course or work-based learning; provided that financial literacy, computer science, student service learning, career technical education courses and a sequence of languages other than English shall be offered as electives; and provided further that media literacy and pre-apprenticeship programs may be offered as electives; and

(8) two units set by each local school board or governing body of a charter school that meet department academic content and performance standards.

P. If a high school student who has taken one or both units provided in Paragraph (8) of Subsection 0 of this section moves from one school district or charter school to

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another, the receiving school district or charter school shall accept those earned units toward the student's graduation.

Q. For students entering the ninth grade in the 2025-2026 school year, one-half unit of health education is required prior to graduation. Health education courses shall include:

(1) age-appropriate sexual abuse and assault awareness and prevention training that meets department standards developed in consultation with the federal centers for disease control and prevention that are based on evidence-based methods that have proven to be effective; and

(2) lifesaving skills training that follows nationally recognized guidelines for hands-on psychomotor skills cardiopulmonary resuscitation training. Students shall be trained to recognize the signs of a heart attack, use an automated external defibrillator and perform the Heimlich maneuver for choking victims. The secretary shall promulgate rules to provide for the:

(a) use of the following instructors for the training provided pursuant to this paragraph: 1) school nurses, health teachers and athletic department personnel as instructors; and 2) any qualified persons volunteering to provide training at no cost to the school district that the school district determines to be eligible to offer instruction pursuant to this paragraph; and

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(b) approval of training and instructional materials related to the training established pursuant to this paragraph in both English and Spanish.

R. For students entering the ninth grade in the 2027-2028 school year, one-half unit of health education is required prior to graduation SHPAC→; provided that this one-half unit may be earned in either middle school or high school←SHPAC . Health education courses shall include:

(1) comprehensive human sexuality education that meets department academic content and performance standards; provided that a student shall be excused from this portion of health education at the direction of the student's parent and, if the school district does not provide alternative health education topics in lieu of this portion of health education, the excused student shall still earn the one-half credit. The secretary shall promulgate rules for:

(a) the use of the following instructors for comprehensive human sexuality education: 1) school nurses, health or science teachers and athletic department personnel; and 2) any qualified private person, including a community organization; and

(b) department approval of curricula and instructional materials for comprehensive human sexuality education; and

(2) lifesaving skills training that follows

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nationally recognized guidelines for hands-on psychomotor skills cardiopulmonary resuscitation training. Students shall be trained to recognize the signs of a heart attack, use an automated external defibrillator and perform the Heimlich maneuver for choking victims. The secretary shall promulgate rules to provide for the:

(a) use of the following instructors for the training provided pursuant to this paragraph: 1) school nurses, health teachers and athletic department personnel as instructors; and 2) any qualified persons volunteering to provide training at no cost to the school district that the school district determines to be eligible to offer instruction pursuant to this paragraph; and

(b) approval of training and instructional materials related to the training established pursuant to this paragraph in both English and Spanish.

[R-] S. Nothing in the minimum graduation requirements specified in Subsection 0 of this section affects:

(1) a school district's or charter school's authority to require more units for graduation than provided in this section; or

(2) a student's opportunity to take advanced placement or honors courses, international baccalaureate courses or distance learning courses offered by the public school or dual credit courses offered in cooperation with

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institutions of higher education.

[S-] T. Subject to the department's academic content and performance standards and other provisions of this section, every school district and charter school shall develop a graduate profile:

- (1) that is specific to each community;
- (2) that articulates the core academic competencies and subjects that are key to graduates' post-high-school success; and
- (3) to which required units are aligned.

[F-] U. Units earned in health, algebra 1 and geometry prior to enrolling in high school shall satisfy unit requirements required to earn a New Mexico diploma of excellence.

[H-] V. The department shall adopt and promulgate rules to implement graduation requirements by no later than December 31, 2024. The rules shall include revisions to expand course offerings so that students have access to a range of rigorous academic options and career technical education courses and to establish guidance for the development of graduate profiles.

[V-] W. As used in this section:

- (1) "capstone course" means a multifaceted academic and intellectual experience that may take a wide variety of forms and that culminates in a final product,

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performance or presentation explaining how the final product, performance or presentation explicates the chosen course to an evaluation panel convened by the public school to evaluate the quality of course and the final product, performance or presentation;

(2) "career technical education" means organized programs offering a sequence of courses, including technical education and applied technology education, that are directly related to the preparation of students for paid or unpaid employment in current or emerging occupations requiring an industry-recognized credential, a certificate or a degree;

(3) "career technical education course" means a course with content that provides technical knowledge, skills and competency-based applied learning and that aligns with educational standards and expectations as defined in rule;

(4) "career cluster" means a grouping of occupations in industry sectors based on recognized commonalities that provide an organizing tool for developing instruction within the educational system;

(5) "career pathways" means a sub-grouping used as an organizing tool for curriculum design and instruction of occupations and career specialities that share a set of common knowledge and skills for career success;

(6) "final next-step plan" means a next-step plan that shows that the student has committed or intends to

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commit in the near future to a four-year college or university, a two-year college, a trade or vocational program, an internship or apprenticeship, military service or a job;

(7) "graduate profile" means a document that a school district or charter school uses to specify the cognitive, personal and interpersonal competencies that students should have when they graduate;

(8) "interim next-step plan" means an annual next-step plan in which the student specifies post-high-school goals and sets forth the coursework that will allow the student to achieve those goals; and

(9) "next-step plan" means an annual personal written plan of studies developed by a student in a public school or other state-supported school or institution in consultation with the student's parent and school counselor or other school official charged with coursework planning for the student that includes one or more of the following:

(a) advanced placement, international baccalaureate or honors courses;

(b) dual-credit courses offered in cooperation with an institution of higher education;

(c) distance learning courses;

(d) career technical education or work-based learning courses; and

(e) pre-apprenticeship programs.

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[W-] X. The secretary may establish a policy to provide for administrative interpretations to clarify curricular and testing provisions of the Public School Code.

Y. Each school district and charter school shall submit to the department by the beginning of the 2026-2027 school year a comprehensive human sexuality education implementation plan for the 2027-2028 school year and subsequent school years, including in which middle school SHPAC→and←SHPAC SHPAC→or←SHPAC high school grades health education will be required; curricula and instructional materials for department approval; how the courses align with academic and performance standards; and what alternative health education topics will be provided in lieu of comprehensive human sexuality education for a student who has been excused at a parent's direction."

SECTION 3. A new section of Chapter 22, Article 13 NMSA 1978 is enacted to read:

"[NEW MATERIAL] COMPREHENSIVE HUMAN SEXUALITY EDUCATION--
DEFINITIONS--ACADEMIC CONTENT AND PERFORMANCE STANDARDS.--

A. As used in this section:

(1) "abstinence" means not engaging in oral, vaginal or anal intercourse or genital skin-to-skin contact;

(2) "age-appropriate" means suitable to a particular age or age group based on the cognitive, emotional and behavioral development typical for the age or age group;

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(3) "consent" means an affirmative, unambiguous, voluntary, continuous and knowing agreement between two or more persons to engage in a sexual encounter;

(4) "evidence-based information" means information or knowledge developed or collected through well-designed studies using scientific methods;

(5) "gender" means an individual or societal expectation or perception of a person as masculine or feminine based on appearance, behavior or physical characteristics;

(6) "gender identity" means a person's self-perception, based on the person's appearance, behavior or physical characteristics, that the person exhibits more masculinity or femininity or the absence of masculinity or femininity whether it matches the person's gender or sex;

(7) "gender stereotype" means a generalized view or preconception about the attributes or characteristics of persons based on sex, gender or gender identity;

(8) "healthy relationship" means an interpersonal relationship that is free of physical, sexual and emotional abuse, coercion and violence;

(9) "medically accurate" means verified or supported by research or studies conducted with scientific methods and published in a peer-reviewed journal; and

(10) "sex" means a person's categorization as male, female or intersex based on biology, physiology or

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physical characteristics.

B. The department shall develop academic content and performance standards for comprehensive human sexuality education for middle school and high school grades.

C. The academic content for a course in comprehensive human sexuality education shall be age-appropriate and include, at minimum:

(1) medically accurate information about:

(a) all methods to prevent unintended pregnancy and sexually transmitted infections, including human immunodeficiency virus and acquired immunodeficiency syndrome;

(b) the correct and consistent use of abstinence, contraception, condoms or barriers and other prevention measures;

(c) pregnancy outcome options, including adoption, abortion and parenting;

(d) the link between human papillomavirus and cancer; and

(e) other types of cancer that affect human reproductive systems;

(2) evidenced-based information about the development of healthy relationships, including instruction about:

(a) communicating consent and recognizing when consent is given or withdrawn;

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(b) understanding the age of consent;
(c) preventing sexual violence;
(d) not making unwanted verbal, physical
and sexual advances;

(e) not making assumptions about a
person's sexual intentions based on that person's appearance or
sexual history;

(f) not pursuing or attempting to
persuade a person to participate in a sexual encounter when
that person has not given consent or has withdrawn consent;

(g) how alcohol and drug use impairs
decision making;

(h) how to respond in situations
involving sexual or physical violence or in situations where
there is a risk of sexual or physical violence; and

(i) communicating with family members
and trusted adults; and

(3) instructional guidance regarding:

(a) presenting information to students
in an objective and unbiased manner;

(b) avoiding the use of shame-based or
stigmatizing language or instructional tools;

(c) avoiding the use of gender
stereotypes;

(d) including the health needs of

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persons who are intersex, lesbian, gay, bisexual or transgender; and

(e) allowing student discussion of health, moral, ethical or religious values.

D. By July 1, 2027, the department shall:

(1) establish a process to review and approve school districts' curricula for comprehensive human sexuality education; and

(2) develop model curricula for comprehensive human sexuality education for students in middle school grades and for students in high school grades available for use by school districts or a qualified private person providing instruction on behalf of a public school."