



MONTGOMERY COUNTY BOARD OF EDUCATION

850 Hungerford Drive ♦ Room 123 ♦ Rockville, Maryland 20850



Bill: MC 14-17
Title: Family Life and Human Sexuality Curriculum – Affirmative Consent
Date: December 7, 2016
Position: **Oppose**

The Montgomery County Board of Education opposes MC 14-17.

As expressed in the 2017 Legislative Platform, the Board believes in maintaining local authority to determine educational policy and curriculum for its students. The creation of curriculum is incredibly comprehensive and involves many stakeholders within applicable professions and members of the community. Furthermore, all health curriculum must be aligned to, and guided in research done by, the Centers for Disease Control and Prevention, National Health Education Standards, and the Health Education Curriculum Content and Standards outlined by the Code of Maryland Regulations (COMAR) 13A.044.18.01 by the Maryland State Department of Education. At the local level, the creation of guidelines pertaining to the health curriculum is created and feedback is provided by a Curriculum Advisory Committee. This Committee comprises parents, school nurses, health care professionals, health education teachers, students, school-based administrators, and Montgomery County Public Schools (MCPS) central office staff. There are continual conversations within this committee around current topics that should be potentially included or enhanced within the existing curriculum. The issue of human trafficking, for example, was included and/or enhanced at various grade levels, as appropriate, because of feedback received by the community.

Based on the research and guidelines highlighted above, the Grade 7 health education, curriculum as it relates to sexual activity, focuses on waiting to engage in sexual activity, peer pressure, and the potential consequences of sexual activity. As such, affirmative consent at this level would not be applicable or appropriate. At the 10th grade level, a large section of the Family Life and Human Sexuality curriculum is dedicated to sexual aggression and consent. MC 14-17 defines affirmative consent as “clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in each act within the course of sexual activity.” In the MCPS curriculum, consent is defined as *“to agree to do something or give permission. In the context of sex, a person is giving full consent/is consenting when he/she freely and actively agrees to do something sexual with someone else; however, the person still has the right to change his/her mind at any point. A person is NOT consenting if they do not actively agree, have been forced or pressured in some way or are in a state where they are incapable of full consent (such as when asleep, under the influence of drugs or alcohol, or below the age of consent.”*

The Board and MCPS staff recognize the sensitive nature of this legislation and the importance of student’s full understanding of the concept of consent. Therefore, MCPS staff will bring the topic of ‘affirmative’ consent and how it could be incorporated into the 10th grade health curriculum to the Curriculum Advisory Committee for further conversation with the appropriate stakeholders.

For these reasons, we oppose this bill and ask for an unfavorable report.