

Party Platform Process – An Example

County	Senate District	Obscenity Exemption	Prohibit Abortion Providers	SHAC	Prohibit Contraception	Senator	Reps
	1		1	1	1	Hughes	
	2	1	1	2	2	Hall	
	3	2		1	3	Nichols	
	4					Creighton	
	5	1	2	1	1	Schwertner	
	6					Garcia	
	7	1	1	1	1	Bettencourt	
	8	2	1	1	1	V. Taylor	
	9			1		Hancock	
	10					Burton	
	11	3		1	1	L. Taylor	
	12					Nelson	
	13			1	1	Miles	
	14	?	?	?	?	Watson	
	15					Whitmire	
	16	1		1	1	Huffines	
	17					Huffman	
	18	1		1	1	Kolkhorst	
	19					Uresti	
	20					Hinojosa	
	21		1			Zaffrini	
	22	?	?	?	?	Birdwell	
	23					West	
	24	2	?	2	2	Buckingham	
	25	3	?	2	2	Campbell	
	26	1		1	1	Menendez	
	27					Lucio Jr	
	28	?	?	?	?	Perry	
	29					Rodriguez	
	30	2		1	1	Estes	
	31					Seliger	

THE SUMMARY STATEMENT

RESOLUTION: We call upon the Texas Legislature to:

- require all members of School Health Advisory Councils (SHACs) to be appointed by the district's elected board of trustees;
- require every district to post SHAC meeting minutes;
- require SHACs to be subject to the Open Meetings Act;
- require full and fair disclosure of the contents of the Human Sexuality Instruction and proposed changes to health education prior to approval; and
- expand the grievance process to cover the entire section of Texas Education Code 28.004.

RESOLUTION: We call upon the Texas Legislature to remove the exemption in the Texas Penal Code §43.24(c) that allows displays and distribution of material harmful to minors for educational, scientific, governmental or other "similar" purposes.

RESOLUTION: We call upon the Texas Legislature to prohibit contraception and condom demonstrations and dispensing in public schools.

RESOLUTION: We call upon the Texas Legislature to prohibit abortion providers and their affiliates and all individuals and organizations that oppose the Texas law requiring the instructional standard of abstinence from sexual activity prior to marriage from providing curriculum, instruction, and teacher training in public schools and regional education service centers.

“RESOLUTION – PROHIBIT CONDOM AND CONTRACEPTION DEMONSTRATION AND DISPENSING IN PUBLIC SCHOOLS”

RESOLUTION: We call upon the Texas Legislature to prohibit contraception and condom demonstrations and dispensing in public schools.

The Law

The age of legal consent for sexual activity in the State of Texas is 17;

The Texas Education Code (28.004) requires that human sex education materials and instruction must:

- present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age; and
- direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with human immunodeficiency virus or acquired immune deficiency syndrome.

In addition, the law states that a school district may not distribute condoms in connection with instruction relating to human sexuality.

The Problem

The law does not prohibit condom and contraception demonstration, and it does not prohibit dispensing by a nurse’s office or at other times at schools.

Condom and contraception demonstration and dispensing in schools:

- contradict the expected standard of behavior for unmarried school age students, as stated in Texas law;
- send a mixed message to students concerning the expected standard of behavior and undermines true directive abstinence instruction;
- focus on sexual risk reduction, rather than sexual risk avoidance, which is the expected standard of behavior when addressing other risky behaviors such as underage drinking, and smoking;
- break down natural modesty;
- normalize and encourage teen sexual activity;
- focus on increasing contraceptive and condom use;
- facilitate and encourage minors to participate in illegal sexual activity; and
- create a liability that schools should not undertake.

The Remedy

The goal of human sexuality instruction should be to:

- uphold and encourage and direct students to aspire to the expected standard that will protect their lives, their health, and their future;
- proactively seek to empower students to remain sexually abstinent until marriage as a best practice approach for future success; and
- provide instruction that will give students the best advantage for a life of health and well-being.

The Texas Legislature should enact legislation to prohibit contraception and condom demonstrations and dispensing in public schools.

Resolution to Prohibit Contraception Distribution and Demonstration

WHEREAS, 2016 Texas GOP Platform states “Sex Education - We respect parental authority regarding sex education. We support the teaching of biology of reproduction and **abstinence until marriage**. We should prohibit entities and their affiliates that contradict our beliefs from conducting sex education and/or teacher training in public schools. We oppose all policies and curriculum that teach alternate lifestyles including homosexuality, transgender and other non-traditional lifestyles as normal”;

WHEREAS, the **legal of consent** for sexual activity in the State of Texas is **17**;

WHEREAS Texas Education Code 28.004 states

“(e) Any course materials and instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus or acquired immune deficiency syndrome shall be selected by the board of trustees with the advice of the local school health advisory council and 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 percent effective in preventing** pregnancy, sexually transmitted diseases, infection with human immunodeficiency virus or acquired immune deficiency syndrome, 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, sexually transmitted diseases, and infection with human immunodeficiency virus or acquired immune deficiency syndrome; 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.

(f) A school district **may not distribute condoms in connection with instruction relating to human sexuality.**”

WHEREAS, “**Sexual Risk Avoidance (SRA)** is a sex education approach based on a recognized and often used public health model known as ‘risk avoidance’ or ‘primary prevention.’ It is the standard approach used to **address risk behaviors such as underage drinking and smoking...** It differs from a ‘risk reduction’ model in that it seeks to help individuals **eliminate all risk as opposed to simply reducing risk**. **Sexual Risk Reduction (SRR)**, often called **Teen Pregnancy Prevention** or ‘**Comprehensive**’ sex education is primarily focused on **increasing contraceptive** use among teens. SRR approach **normalizes teen sex** and is considered a ‘**secondary prevention**’ strategy.” (Sexual Risk Avoidance Education: What You Need to Know, Ascend)

WHEREAS, “Any educational program for school aged children that does **not discuss sexual activity** in the **context of marriage or at a minimum the benefits of waiting**, practices a form of **Advantage Discrimination** that is unacceptable for America’s youth. **All students deserve** to receive information that will give them the **best advantage for a life of health and well-being**. To this end, there should be **no participation in ‘the soft bigotry of low expectations.’** We must proactively seek to **empower students** to remain **sexually abstinent until marriage** as a ‘**best practice**’ approach for **future success.**” (Advantage Discrimination, Mary Anne Mosack)

THEREFORE, let it be resolved that the State of Texas should **prohibit contraception distribution and demonstrations in public schools**; and

THEREFORE, let it be further resolved that the GOP Platform should be amended as follows:

“Sex Education - We respect parental authority regarding sex education. We support the teaching of biology of reproduction and abstinence until marriage. We should prohibit entities and their affiliates that contradict our beliefs from conducting sex education and/or teacher training in public schools. **We should prohibit contraception distribution and demonstrations in public schools.**”

“RESOLUTION TO REMOVE THE OBSCENITY EXEMPTION THAT ALLOWS DISPLAY AND DISTRIBUTION OF HARMFUL MATERIALS TO MINORS”

RESOLUTION: We call upon the Texas Legislature to remove the exemption in the Texas Penal Code §43.24(c) that allows displays and distribution of material harmful to minors for educational, scientific, governmental or other “similar” purposes.

The Law

The U.S. Supreme Court has ruled that the First Amendment of the United States Constitution does not protect materials which are obscene, defined as:

- materials which taken as a whole, appeal to prurient interests according to contemporary community standards;
- Materials that, according to contemporary community standards as viewed by the average person, depict or describe sexual conduct in a patently offensive way; and
- materials that a reasonable person finds that, taken as a whole, lack serious literary, artistic, political, or scientific value;

Texas Penal Code Section 43.24 prohibits the dissemination of materials deemed harmful to minors, defined as material whose dominant theme taken as a whole:

- appeals to the prurient interest of a minor, in sex, nudity, or excretion;
- is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and,
- is utterly without redeeming social value for minors.

The Problem

The Texas Penal Code (Section 43.24(c) provides an exemption for the “sale, distribution, or display of harmful material to minors” for “scientific, educational, governmental,” or other similar justification.

This obscenity exception allows materials otherwise prohibited to be displayed to minors in schools and libraries for “educational” purposes, thereby circumventing the legislature’s intention in prohibiting the display or distribution of such materials to children.

The Remedy

The Texas Legislature needs to remove the exemption to the obscenity law that allows harmful materials to be displayed and distributed to minors.

Section 43.24(c), Penal Code should be amended as follows:

“(c) It is an affirmative defense to prosecution under this section that the sale, distribution, or exhibition was by a person having scientific, **collegiate, universitarian, [educational,]** or governmental, **[~~or other similar~~]** justification.

Resolution to Strike Obscenity Exemption – 2018 Texas GOP Platform

WHEREAS the Supreme Court of the United States has determined that the First Amendment of the United States Constitution does not protect materials which are obscene, defined as

1. Materials which taken as a whole, appeal to prurient interests according to contemporary community standards;
2. Materials that, according to contemporary community standards as viewed by the average person, depict or describe sexual conduct in a patently offensive way; and
3. Materials that a reasonable person finds that, taken as a whole, lack serious literary, artistic, political, or scientific value;

WHEREAS Texas has furthered its compelling state interest in protecting the health, safety and welfare of minors by enacting Penal Code Section 43.24 which prohibits the dissemination of materials deemed harmful to minors, defined as “material whose dominant theme taken as a whole:

(A) appeals to the prurient interest of a minor, in sex, nudity, or excretion;

(B) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and

(C) is utterly without redeeming social value for minors”;

WHEREAS Penal Code Section 43.24 includes in subsection (c) an exemption for the “sale, distribution, or display of harmful material to minors” for “scientific, educational, governmental, or other similar justification”;

WHEREAS Section 43.24(c), added to the Texas Penal Code in 1973, is based on Section 251.4(3) of the 1962 Model Penal Code which provided that “It is an affirmative defense to prosecution under this Section that dissemination was restricted to: (a) institutions or persons having scientific, educational, governmental or other similar justification for possessing obscene material”;

WHEREAS the Model Penal Code upon which Texas Penal Code Section 43.24(c) is based is in turn based upon research by Dr. Alfred Kinsey, (see Model Penal Code Tentative Draft No. 6, Commentary, p. 5 (1957)), which was based upon studies that included the serial sexual abuse of children (see, *Alfred Kinsey, Wardell Pomeroy, et. al., SEXUAL BEHAVIOR IN THE HUMAN MALE (1948)* , pp. 176-80);

WHEREAS Penal Code Section 43.24(c) has enabled materials otherwise prohibited from distribution as “harmful to minors” to be distributed to minors in schools and libraries through “sex education,” “health educations,” “Bullying Prevention,” and in general reading assignments, thereby circumventing the legislature’s intention in prohibiting the distribution of such materials to children;

THEREFORE, let it be resolved that the State of Texas should protect minor students from exposure to obscenity in schools or libraries by removing the defenses that allow an elementary, middle, or secondary school, a school library, or a public library to disseminate obscene materials.

“PROHIBIT ABORTION PROVIDERS AND AFFILIATES FROM PROVIDING SEXUALITY EDUCATION AND TEACHER TRAINING IN TEXAS PUBLIC SCHOOLS”

RESOLUTION: We call upon the Texas Legislature to prohibit abortion providers and their affiliates and all individuals and organizations that oppose the Texas law requiring the instructional standard of abstinence from sexuality activity prior to marriage from providing curriculum, instruction, and teacher training in public schools and regional education service centers.

The Problem

A clear conflict of interest exists when abortion providers and affiliates have access to students and teacher training to create brand recognition, establish goodwill, grow brand loyalty, create demand, and, therefore, create customers for their services and products.

Planned Parenthood is the largest abortion provider and claims to be the largest provider of sex education.¹

The 2016 Texas GOP Platform states:

“Sex Education – We respect parental authority regarding sex education. We support the teaching of biology of reproduction and abstinence until marriage. We should prohibit entities and their affiliates that contradict our beliefs from conducting sex education and/or teacher training in public schools. We oppose all policies and curriculum that teach alternate lifestyles including homosexuality, transgender and other non-traditional lifestyles as normal.”

Planned Parenthood:

- opposes true abstinence instruction;
- supports homosexuality, transgender, and other non-traditional lifestyles as acceptable;
- focuses on “risk reduction” rather than “risk avoidance” and accepts teen sexual activity as normal and expected;
- publishes through ETR Associates, which provides sexual risk reduction programs used to implement the National Sexuality Education Standards; and
- partners with the Future of Sex Education Initiative to “promote the institutionalization of comprehensive sexuality education in public schools” through the K-12 National Sexuality Education Standards. Other partners include Advocates for Youth (formerly Planned Parenthood’s Center for Population Options), Answer, GLSEN (Gay, Lesbian, Straight Education Network), and SIECUS, the Sex Information and Education Council of the U.S.

The Remedy

Risk avoidance, rather than risk reduction, is a consistent and effective public health policy used when discussing risky behaviors such as alcohol, tobacco, self-harming, drugs, reckless driving, and other risky and harmful behavior.

Enact legislation to protect students and parental rights by prohibiting abortion providers and their affiliates and all individuals and organizations that oppose the Texas law requiring the instructional standard of abstinence from sexuality activity from providing curriculum, instruction, and teacher training in public schools and regional education service centers.

¹(https://www.plannedparenthood.org/uploads/filer_public/71/53/7153464c-8f5d-4a26-bead-2a0dfe2b32ec/20171229_ar16-17_p01_lowres.pdf, page 12

Resolution to Prohibit Abortion Providers and Affiliates from Texas Schools

WHEREAS, 2016 Texas GOP Platform states “Sex Education - We respect parental authority regarding sex education. We support the teaching of biology of reproduction and abstinence until marriage. We should prohibit entities and their affiliates that contradict our beliefs from conducting sex education and/or teacher training in public schools. We oppose all policies and curriculum that teach alternate lifestyles including homosexuality, transgender and other non-traditional lifestyles as normal”;¹

WHEREAS, **Planned Parenthood** is the largest provider of sex education;²

WHEREAS, **Hugh Hefner** provided fund money to **Planned Parenthood’s** Medical Director, Mary Calderone, to start **SIECUS**, the Sexuality Information and Education Council of the United States;³

WHEREAS, the Future of Sex Education Initiative (FoSE) is a partnership between **Planned Parenthood, Advocates for Youth** (formerly Planned Parenthood’s Center for Population Options), **Answer, GLSEN** (Gay, Lesbian, Straight Education Network), and **SIECUS** that seeks to “promote the institutionalization of comprehensive sexuality education in public schools” through the K-12 **National Sexuality Education Standards**;⁴

WHEREAS, ETR Associates, the publishing company for Planned Parenthood sex education programs, provides **Sexual Risk Reduction** programs used to implement the National Sexuality Education Standards;⁵

WHEREAS, **Risk Avoidance**, rather than Risk Reduction, is a consistent and effective public health policy used when discussing risky behaviors such as alcohol, tobacco, self-harming, drugs, reckless driving, etc;

WHEREAS, abortion providers and affiliates advocate and provide programs to implement the National Sexuality Education Standards including but not limited to **family constructs, sexual abuse awareness, human/sex trafficking prevention, social-emotional learning, anti-bullying, suicide awareness, porn addiction, sexting danger, and Day of Silence**; and

WHEREAS, there is a clear **conflict of interest** when abortion providers and affiliates have access to students to create brand recognition, establish goodwill, grow brand loyalty, create demand, and, therefore, increase sales;

THEREFORE, let it be resolved that the State of Texas should prohibit abortion providers and affiliates from providing **ANY curriculum or instruction** in schools; and

THEREFORE, let it be further resolved that the GOP Platform should be amended as follows:

“Sex Education - We respect parental authority regarding sex education. We support the teaching of biology of reproduction and abstinence until marriage. We should prohibit entities and their affiliates that contradict our beliefs from **providing curriculum or instruction ~~conducting sex education and/or teacher training~~** in public schools.”

Resources:

¹ <https://www.texasgop.org/wp-content/uploads/2016/01/PERM-PLATFORM.pdf>

² https://www.plannedparenthood.org/uploads/filer_public/71/53/7153464c-8f5d-4a26-bead-2a0dfe2b32ec/20171229_ar16-17_p01_lowres.pdf

³ <https://fwipetitions.org/stop-the-sexualization-of-children/history-of-sexuality-education/>

⁴ <http://www.futureofsexed.org/documents/josh-fose-standards-web.pdf>

⁵ <http://www.stopp.org/article.php?id=11553>

“SCHOOL HEALTH ADVISORY COUNCILS (SHACs)”

RESOLUTION: We call upon the Texas Legislature to:

- require all members of School Health Advisory Councils (SHACs) to be appointed by the district’s elected board of trustees;
- require every district to post SHAC meeting minutes;
- require SHACs to be subject to the Open Meetings Act;
- require full and fair disclosure of the contents of the Human Sexuality Instruction and proposed changes to health education prior to approval; and
- expand the grievance process to cover the entire section of Texas Education Code 28.004.

The Law

The 74th Texas Legislature created School Health Advisory Councils (SHACs), also known as SHACs to: “assist the district in ensuring that local community values are reflected in the district’s health education instruction,” by requiring school districts to “consider the recommendations of the local school health advisory council before changing the district’s health education curriculum or instruction,” and by requiring that “five of the members of the School Health Advisory Council be appointed by the Board of Trustees.”

The Problem

- Texas parents have limited access to the process of SHACs or to proposed changes in health education and are only provided summary level information regarding Human Sexuality Instruction.
- The Texas Education Code (28.004 (i-3)) allows only a limited grievance process for violations of the law.
- The Texas Freedom Network, started by Cecile Richards (who served as president of Planned Parenthood for 12 years), produced a webinar on how to infiltrate SHACs and get school boards to adopt Planned Parenthood-type sex education, known as Comprehensive Sex Education and Sexual Risk Reduction.

The Remedy

Legislation to amend the Texas Education Code to:

- require all members of SHACs to be appointed by the district’s elected board of trustees;
- require every district to post SHAC meeting minutes;
- require SHACs to be subject to the Open Meetings Act;
- require full and fair disclosure of the contents of the Human Sexuality Instruction and proposed changes to health education prior to approval; and
- expand the grievance process to cover the entire section of Texas Education Code 28.004.

Resolution relating to SHACs and Human Sexuality Instruction

WHEREAS 2016 **Texas GOP Platform** states “Sex Education - We respect parental authority regarding sex education. We support the teaching of biology of reproduction and abstinence until marriage. We should prohibit entities and their affiliates that contradict our beliefs from conducting sex education and/or teacher training in public schools. We oppose all policies and curriculum that teach alternate lifestyles including homosexuality, transgender and other non-traditional lifestyles as normal.”;

WHEREAS the 74th Texas Legislature created **School Health Advisory Councils**, also known as **SHACs**, “to assist the district in ensuring that local community values are reflected in the district's health education instruction,” by requiring school districts to “consider the recommendations of the local school health advisory council before changing the district's health education curriculum or instruction,” and by requiring that “five of the members of the School Health Advisory Council be appointed by the Board of Trustees;

WHEREAS Texas parents have **limited visibility** to School Health Advisory Council business and health education changes and are only provided summary level information to regarding the Human Sexuality Instruction;

WHEREAS according to Texas Education Code 28.004 school districts are only prevented from **distributing condoms** during Human Sexuality Instruction;

And WHEREAS Texas Education Code 28.004 (i-3) only allows **grievance process** for violations under section (i).

THEREFORE let it be resolved that the **Texas GOP** should adopt the following changes to the **2018 Platform**:

“Sex Education - We respect parental authority regarding sex education **including full and fair disclosure of School District health education and health committees**. We support the teaching of biology of reproduction and abstinence until marriage. We should prohibit entities and their affiliates that contradict our beliefs from conducting sex education and/or teacher training in public schools. **We should prohibit contraception distribution and demonstrations in public schools.**”

And THEREFORE let it be further resolved that the State of Texas should adopt changes to **Texas Education Code 28.004** to

- require **every member** of the School Health Advisory Council to be **appointed** by the Board of Trustees;
- require every District School Health Advisory Council, School District, and Board of Trustees to **post SHAC minutes, full and fair disclosure of the contents of the Human Sexuality Instruction, and proposed changes to health education**;
- **close loopholes** allowing contraception distribution and demonstration; and
- **expand the grievance process** to cover the entire section of code.

Be it further resolved that a copy of this resolution be sent to the _____ Senatorial/County Convention Resolutions Committee from Precinct # _____ of the _____ County _____ Party, with the recommendation that it be passed and sent to the State Convention Platform Committee of the _____ Party of Texas.