
Disclaimer: This state profile has been prepared by Family Watch International and the Protect Child Health Coalition. While the information provided is as accurate as possible and is updated annually, *laws can change with each legislative session and laws are subject to interpretation. Therefore, it is advised that you verify and confirm all information posted on this website.*



KANSAS STATUTES AND LAWS

This profile provides an overview of sex education laws in Kansas including:

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Kansas legislative session convened 1/14/19 and adjourned 5/10/19. Website indicates [Kansas Legislative site](#) was
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What should I know about [navigating sex ed terms](#)?

I. SEX-ED REQUIREMENTS QUICK CHART

LEGISLATIVE REQUIREMENTS	YES	NO	NOT INDICATED	LEGISLATIVE CODES
Sex education required		X		§72-3218
Sex education optional			X	There is no specific legislation about sexual education in the Kansas Education Statutes. See State Department of Education Policies below.
If/When Provided, Sexual Education Must/May:				
Be medically accurate		X		
Be evidence based		X		
Be age appropriate		X		
Be culturally appropriate and unbiased		X		
Reference/stress abstinence*		X		
Include HIV/AIDS education		X		
Be LGBTQ inclusive		X		
Include safety against sexual abuse		X		
Parental Role in Sexual Education:				
Parents must have advanced notification		X		
Parental involvement		X		
Opt-in		X		
Opt-out/withdraw		X		
Access to/review curriculum		X		
Right to inspect policy		X		
<p>*Warning: While statutes might say “abstinence based” or require materials to “stress abstinence” as the standard, many CSE programs only mention abstinence in passing; they do not establish abstinence as the expected standard and fail to emphasize abstinence as the only sure way to protect against pregnancy and sexually transmitted diseases, including AIDS. See harmful elements of CSE here.</p>				

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II. PARENTAL RIGHTS LAWS

What should I know about [parental rights laws](#)?

There is no specific legislation about parental rights in the education system. See [State Department of Education Policies](#) below.

III. SEX EDUCATION LAWS

What should I know about [sex education laws](#)?

The following laws and guidelines apply to sex education and how sex education is taught, according to [Kansas 2017 Statutes Chapter 72](#)

[72-255](#) General powers of state board. In general, but not by way of limitation, consonant with other applicable statutory provisions, the state board of education shall:

- (a) Adopt and maintain standards, criteria, guidelines or rules and regulations for the following:
 - (1) School libraries and other educational materials with the exception of textbooks;
 - (2) courses of study and curriculum;
 - (3) accreditation of schools including elementary and secondary, public and nonpublic;
 - (4) certification of administrators, teachers, counselors, school nurses and supervisors of school districts and of the state department of education and of teachers and administrators of nonpublic schools; and
- (b) administer the laws of this state concerning the matters named in this section and all other matters relating to general supervision of the public schools and institutions under supervision of the state board of education. History: L. 1968, ch. 327, § 1; L. 1974, ch. 315, § 1; L. 1975, ch. 380, § 3; L. 2001, ch. 65, § 1; July 1.

Note: There is no specific legislation about sexual education in the Kansas Education Statutes. See [State Department of Education Policies](#) below.

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IV. CONSENT LAWS

What should I know about [consent and informed consent](#)?

[Age of Majority](#) = Based on Kansas Code [§ 38-101](#), anyone under the age of 18 is considered a minor, while those 18 years old and older are considered adults, except that every person sixteen (16) years of age or over who is or has been married.

[Age of Consent](#) = Based on Kansas Codes [§ 21-5506](#) and [§21-5503](#), the age when children can legally consent or agree to sex is 16.

Warning! Most CSE programs put parental rights at risk by either encouraging or requiring that parents not be notified and/or by instructing children how to access such things as abortion, contraception and other so-called health services **without parental notification or consent**. It is particularly dangerous to encourage students in this way, particularly considering the fact the laws often support what is being taught in CSE programs. For example:

- **Without notifying or receiving consent from their parents**, minors in Kansas may consent to:
 - [§ 65-2892](#). Examination and treatment for venereal disease.
Any physician, upon consultation by any person under eighteen (18) years of age as a patient, may, with the consent of such person who is hereby granted the right of giving such consent, make a diagnostic examination for venereal disease and prescribe for and treat such person for venereal disease including prophylactic treatment for exposure to venereal disease whenever such person is suspected of having a venereal disease or contact with anyone having a venereal disease. All such examinations and treatment may be performed without the consent of, or notification to, the parent, parents, guardian or any other person having custody of such person. History: L. 1969, ch. 222, § 1; L. 1972, ch. 161, § 17; July 1.
 - [§ 38-123](#). Medical care as unmarried pregnant minor.
Notwithstanding any other provision of the law, an unmarried pregnant minor where no parent or guardian is available may give consent to the furnishing of hospital, medical and surgical care related to her pregnancy, and such consent shall not be subject to disaffirmance because of minority. The consent of a parent or guardian of an unmarried pregnant minor shall not be necessary in order to authorize hospital, medical and surgical care related to her pregnancy, where no parent or guardian is available.
History: L. 1967, ch. 241, § 2; July 1.
 - [§ 38-123b](#). Hospital, medical or surgical treatment or procedures (16 or older)
Notwithstanding any other provision of the law, any minor sixteen (16) years of age or over, where no parent or guardian is immediately available, may give consent to the performance and furnishing of hospital, medical or surgical treatment or procedures and such consent shall not be subject to disaffirmance because of minority. The consent of a parent or guardian of such a minor shall not be necessary in order to authorize the

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proposed hospital, medical or surgical treatment or procedures. History: L. 1969, ch. 220, § 1; July 1.

- **Parental consent is required for Abortion services**
 - [§ 65-6705](#). Same; written consent of certain persons required before performance of abortion; waiver of requirement; court proceedings; penalties; judicial record and report; civil action. (a) Except in the case of a medical emergency, no person shall perform an abortion upon an unemancipated minor, unless the person first obtains the notarized written consent of the minor and both parents or the legal guardian of the minor.
- **Other [Kansas Minor Consent Laws](#)**
 - [§ 38-122](#). Consent by parent for surgery and other procedures on child.
 - [§ 38-141](#). Parents' rights to exercise primary control over the upbringing of their children; cause of action.
- See “State Laws that address High-Impact HIV Prevention Efforts” at [cdc.gov](https://www.cdc.gov)

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V. OBSCENITY LAWS

What should I know about [obscenity laws](#)?

The following laws and guidelines apply to sex education and how it is taught according to [Kansas Obscenity Laws](#)

[21-6402](#). *Crimes against the Public Morals*

Promotion to minors of material harmful to minors. (a) No person having custody, control or supervision of any commercial establishment shall knowingly:

(1) **Display any material which is harmful to minors** in such a way that minors, as a part of the invited general public, will be exposed to view such material or device;

(2) present or distribute to a minor, or otherwise allow a minor to view, with or without consideration, any material which is harmful to minors; or

(3) present to a minor, or participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor.

(b) Violation of this section is a class B nonperson misdemeanor.

(c) Notwithstanding the provisions of K.S.A. 2017 Supp. 21-5204, and amendments thereto, to the contrary, it shall be an affirmative defense to any prosecution under this section that:

(1) The allegedly harmful material or device was purchased, leased or otherwise acquired by a public, private or parochial school, college or university, and that such material or device was either sold, leased, distributed or disseminated by a teacher, instructor, professor or other faculty member or administrator of such school as part of or incident to an approved course or program of instruction at such school;

(2) the defendant is an officer, director, trustee or employee of a public library and the allegedly harmful material or device was acquired by a public library and was disseminated in accordance with regular library policies approved by its governing body;

(3) an exhibition in a state of nudity is for a bona fide scientific or medical purpose, or for an educational or cultural purpose for a bona fide school, museum or library;

(4) with respect to a prosecution for an act described by subsection (a)(1), the allegedly harmful material was kept behind blinder racks;

(5) with respect to a prosecution for an act described by subsection (a)(2) or (3), the defendant had reasonable cause to believe that the minor involved was 18 years old or over, and such minor exhibited to the defendant a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor was 18 years old or more; and

(6) with respect to a prosecution for an act described by subsection (a)(3), the allegedly harmful performance was viewed by the minor in the presence of such minor's parent or parents or such minor's legal guardian.

(d) As used in this section:

(1) "Blinder rack" means a device in which material is displayed in such a manner that the lower 2/3 of the material is not exposed to view;

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(2) "harmful to minors" means that quality of any description, exhibition, presentation or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse when the material or performance, taken as a whole or, with respect to a prosecution for an act described by subsection (a)(1), that portion of the material that was actually exposed to the view of minors, has the following characteristics:

(A) The average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors;

(B) the average adult person applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors; and

(C) a reasonable person would find that the material or performance lacks serious literary, scientific, educational, artistic or political value for minors;

(3) "material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape or video tape;

(4) "minor" means any unmarried person under 18 years of age;

(5) "nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernible state of sexual excitement;

(6) "performance" means any motion picture, film, video tape, played record, phonograph, tape recording, preview, trailer, play, show, skit, dance or other exhibition performed or presented to or before an audience of one or more, with or without consideration;

(7) "sadomasochistic abuse" means flagellation or torture by or upon a person clad in undergarments, in a mask or bizarre costume or in the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed;

(8) "sexual conduct" means acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals or pubic area or buttocks or with a human female's breast; and

(9) "sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(e) The provisions of this section shall not apply to a retail sales clerk, if such clerk has no financial interest in the materials or performance or in the commercial establishment displaying, presenting or distributing such materials or presenting such performance other than regular employment as a retail sales clerk. The provisions of this section shall not exempt any retail sales clerk from criminal liability for any act unrelated to regular employment as a retail sales clerk.

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VI. STATE DEPARTMENT OF EDUCATION POLICY

What should I know about [school policies](#)?

The following laws and guidelines apply to sex education and how it is taught according to the [Kansas State Department of Education](#)

- The *National Health Education Standards were used and followed in the development of the [Kansas' Health Education Standards](#).
- Each school shall be assigned its accreditation status based upon the extent to which the school has met the performance and quality criteria established by the state board of education in this regulation. The quality criteria shall consist of quality measures, which shall be required to be in place at each school. Programs and services to support student learning and growth at both the elementary and secondary levels include physical education, which shall include instruction in health and human sexuality. Local school control determines content and extent of human sexuality education.

Based on KSBE Regulations

- Local school districts determine if they wish to offer the opt-in or the opt out policy for student in human sexuality education
- The [Health Education Standards](#) Committee believes that parents should be involved with the health education of their children. Parents are encouraged to visit with their school's health teachers about the health topics that will be covered in class, and to talk with their children about these health issues.
- The Kansas Health Education Standards pdf includes an [opt-out and consent form \(pg. 45-46\)](#) for "Human Sexuality Education".

*[*What should I know about the National Health Education Standards](#)*

Compare [state laws](#) with [DOE policies](#) for alignment

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