

By Senator Geller

31-1001-06

See HB 625

1 A bill to be entitled
 2 An act relating to public K-12 educational
 3 instruction; creating s. 1003.465, F.S.;
 4 providing parental right to know with respect
 5 to abstinence-only instruction; defining the
 6 term "medically accurate"; requiring certain
 7 school principals to mail a notice to parents
 8 regarding the provision of abstinence-only
 9 instruction and the right to review the
 10 abstinence-only curriculum; authorizing excuse
 11 from such instruction under certain conditions;
 12 providing a process for parental comment on the
 13 curriculum; providing for the filing of
 14 complaints and appeals; providing for
 15 investigation and corrective action; providing
 16 an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:
 19

20 Section 1. Section 1003.465, Florida Statutes, is
 21 created to read:

22 1003.465 Abstinence-only instruction; parental right
 23 to know.--

24 (1) For the purposes of this section, the term
 25 "medically accurate" means information supported by the weight
 26 of research conducted in compliance with accepted scientific
 27 methods and recognized as accurate and objective by leading
 28 professional organizations and agencies with relevant
 29 expertise in the field.

30 (2) The principal of any school that receives funding
 31 for abstinence-only instruction or a school principal who

1 elects to provide abstinence-only instruction to students in
2 grades 6 through 12 shall, at the beginning of each school
3 year or at the time of enrollment for a student who enrolls in
4 a school after the beginning of the school year, mail a notice
5 to the parents of affected students stating the following:

6 (a) Your child is receiving abstinence-only
7 instruction.

8 (b) Abstinence-only instruction does not teach
9 students how to prevent pregnancy or sexually transmitted
10 infections other than by remaining abstinent.

11 (c) Your child is not receiving the following
12 information:

13 1. Methods, other than abstinence, for preventing
14 pregnancy and sexually transmitted infections, including, but
15 not limited to, HIV/AIDS.

16 2. Medically accurate instruction on the risks and
17 benefits, including safety and efficacy, of Food and Drug
18 Administration (FDA) approved methods for:

19 a. Reducing the risk of contracting sexually
20 transmitted infections, including HIV/AIDS.

21 b. Preventing pregnancy.

22 3. Medically accurate instruction on the correct use
23 of FDA approved methods for:

24 a. Reducing the risk of contracting sexually
25 transmitted infections, including HIV/AIDS.

26 b. Preventing pregnancy.

27 4. Instruction that provides sexually active students
28 with the necessary skills for making and implementing
29 responsible decisions about relationships and sexuality,
30 including the use of all effective methods to prevent
31

1 pregnancy and sexually transmitted infections, including
2 HIV/AIDS.

3 (d) Parents have the right to review the
4 abstinence-only curriculum in its entirety, and written and
5 audio/visual educational materials used in abstinence-only
6 instruction shall be reasonably accessible for inspection.

7 (e) Parents have the right to excuse their child from
8 all or parts of abstinence-only instruction.

9 (f) Parents have the right to be involved in their
10 child's education.

11 (3) Any student whose parent makes written request to
12 the school principal shall be excused from all or parts of
13 abstinence-only instruction. A student so excused may not be
14 subject to disciplinary action, academic penalty, or other
15 sanction for such excusal.

16 (4) The school shall inform parents of affected
17 students of the opportunity for commenting through the
18 district school board or through an alternative procedure on
19 the abstinence-only curriculum either by including information
20 about this process in the notification under subsection (2) or
21 in a separate notice to be mailed at the beginning of each
22 school year or at the time of enrollment for a student who
23 enrolls in a school after the beginning of the school year.

24 (5)(a) Any parent who believes that he or she failed
25 to receive the notice required under subsection (2) may file a
26 complaint with the district school superintendent. Within 30
27 days after receiving a complaint, the superintendent shall
28 take any warranted corrective action and notify the
29 complainant and the principal of the corrective action taken.

30 (b) Upon receipt of notice from the superintendent
31 required under paragraph (a) or at least 30 days after filing

1 a complaint with the superintendent, the parent may appeal to
2 the district school board regarding the insufficiency of
3 corrective action. Within 30 days after receiving the
4 complaint, the district school board shall take any warranted
5 corrective action and notify the complainant and the
6 superintendent of the corrective action taken.

7 (c) Upon receipt of notice from the district school
8 board required under paragraph (b) or at least 30 days after
9 filing a complaint with the district school board, the parent
10 may appeal to the Commissioner of Education regarding the
11 insufficiency of corrective action. The commissioner shall
12 investigate the complaint and make a finding regarding
13 compliance with the provisions of this section. If the
14 commissioner makes a finding of substantial noncompliance, he
15 or she shall take corrective action, including prohibiting the
16 school district from accepting state and federal funding for
17 abstinence-only instruction for a period of at least one
18 calendar year.

19 Section 2. This act shall take effect July 1, 2006.
20
21
22
23
24
25
26
27
28
29
30
31