

A bill to be entitled

An act relating to public K-12 educational instruction; creating s. 1003.465, F.S.; providing parental right to know with respect to abstinence-only instruction; defining the term "medically accurate"; requiring certain school principals to mail a notice to parents regarding the provision of abstinence-only instruction and the right to review the abstinence-only curriculum; authorizing excuse from such instruction under certain conditions; providing a process for parental comment on the curriculum; providing for the filing of complaints and appeals; providing for investigation and corrective action; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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

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

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

(2) The principal of any school that receives funding for abstinence-only instruction or a school principal who elects to provide abstinence-only instruction to students in grades 6

29 through 12 shall, at the beginning of each school year or at the
 30 time of enrollment for a student who enrolls in a school after
 31 the beginning of the school year, mail a notice to the parents
 32 of affected students stating the following:

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

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

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

38 1. Methods, other than abstinence, for preventing
 39 pregnancy and sexually transmitted infections, including, but
 40 not limited to, HIV/AIDS.

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

44 a. Reducing the risk of contracting sexually transmitted
 45 infections, including HIV/AIDS.

46 b. Preventing pregnancy.

47 3. Medically accurate instruction on the correct use of
 48 FDA approved methods for:

49 a. Reducing the risk of contracting sexually transmitted
 50 infections, including HIV/AIDS.

51 b. Preventing pregnancy.

52 4. Instruction that provides sexually active students with
 53 the necessary skills for making and implementing responsible
 54 decisions about relationships and sexuality, including the use
 55 of all effective methods to prevent pregnancy and sexually
 56 transmitted infections, including HIV/AIDS.

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

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

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

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

70 (4) The school shall inform parents of affected students
71 of the opportunity for commenting through the district school
72 board or through an alternative procedure on the abstinence-only
73 curriculum either by including information about this process in
74 the notification under subsection (2) or in a separate notice to
75 be mailed at the beginning of each school year or at the time of
76 enrollment for a student who enrolls in a school after the
77 beginning of the school year.

78 (5) (a) Any parent who believes that he or she failed to
79 receive the notice required under subsection (2) may file a
80 complaint with the district school superintendent. Within 30
81 days after receiving a complaint, the superintendent shall take
82 any warranted corrective action and notify the complainant and
83 the principal of the corrective action taken.

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84 (b) Upon receipt of notice from the superintendent
85 required under paragraph (a) or at least 30 days after filing a
86 complaint with the superintendent, the parent may appeal to the
87 district school board regarding the insufficiency of corrective
88 action. Within 30 days after receiving the complaint, the
89 district school board shall take any warranted corrective action
90 and notify the complainant and the superintendent of the
91 corrective action taken.

92 (c) Upon receipt of notice from the district school board
93 required under paragraph (b) or at least 30 days after filing a
94 complaint with the district school board, the parent may appeal
95 to the Commissioner of Education regarding the insufficiency of
96 corrective action. The commissioner shall investigate the
97 complaint and make a finding regarding compliance with the
98 provisions of this section. If the commissioner makes a finding
99 of substantial noncompliance, he or she shall take corrective
100 action, including prohibiting the school district from accepting
101 state and federal funding for abstinence-only instruction for a
102 period of at least one calendar year.

103 Section 2. This act shall take effect July 1, 2006.