Florida Senate - 2007

By Senator Geller

31-222-07

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
б	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.
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18	Be It Enacted by the Legislature of the State of Florida:
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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) As used in this section, the term "medically
25	accurate" means information supported by the weight of
26	research conducted in compliance with accepted scientific
27	methods and recognized as accurate and objective by leading
28	professional organizations and agencies having 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
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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:
б	(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 methods approved
18	by the Food and Drug Administration (FDA) 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 methods approved by the FDA 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
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1 prequancy and sexually transmitted infections, including 2 HIV/AIDS. (d) Parents have the right to review the 3 abstinence-only curriculum in its entirety, and written and 4 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. (3) Any student whose parent makes a written request 11 12 to the school principal shall be excused from all or parts of 13 abstinence-only instruction. A student so excused may not be subject to disciplinary action, academic penalty, or other 14 15 sanction for such excusal. (4) The school shall inform parents of affected 16 17 students of the opportunity for commenting through the district school board or through an alternative procedure on 18 the abstinence-only curriculum by including information about 19 this process in the notification under subsection (2) or in a 2.0 21 separate notice to be mailed at the beginning of each school 2.2 year or at the time of enrollment for a student who enrolls in 23 a school after the beginning of the school year. (5)(a) Any parent who believes that he or she failed 2.4 to receive the notice required under subsection (2) may file a 25 complaint with the district school superintendent. Within 30 26 27 days after receiving a complaint, the superintendent shall 2.8 take any warranted corrective action and notify the complainant and the principal of the corrective action taken. 29 30 (b) Upon receipt of notice from the superintendent required under paragraph (a) or at least 30 days after filing 31

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1 a complaint with the superintendent, the parent may appeal to 2 the district school board regarding the insufficiency of corrective action. Within 30 days after receiving the 3 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 insufficiency of corrective action. The commissioner shall 11 12 investigate the complaint and make a finding regarding compliance with the provisions of this section. If the 13 commissioner makes a finding of substantial noncompliance, he 14 or she shall take corrective action, including prohibiting the 15 school district from accepting state and federal funding for 16 17 abstinence-only instruction for a period of at least one 18 <u>calendar year.</u> Section 2. This act shall take effect July 1, 2007. 19 20 21 2.2 SENATE SUMMARY 23 Provides parental right to know with respect to abstinence-only instruction. Defines the term "medically accurate." Requires certain school principals to mail a 2.4 notice to parents regarding the provision of 25 abstinence-only instruction and the right to review the abstinence-only curriculum. Authorizes excuse from such 26 instruction under certain conditions. Provides a process for parental comment on the curriculum. Provides for the filing of complaints and appeals. Provides for 27 investigation and corrective action. 28 29 30 31

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