

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: SB 848

INTRODUCER: Senator Deutch

SUBJECT: Human Sexuality Education

DATE: April 1, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	Matthews	ED	Favorable
2.			CF	
3.			HP	
4.			EA	
5.				
6.				

I. Summary:

The bill creates “The Healthy Teens Act.” This act would require that any public school that receives state funding and provides information or programs to students in grades 6-12 concerning human sexuality, must meet specified criteria. In particular, the bill requires a public school, beginning in the 6th grade, to:

- Emphasize the value of abstinence and teach that abstinence is the only certain way to avoid pregnancy or sexually transmitted diseases;
- Provide instruction regarding involvement in, and responsibilities of, sexual decision making;
- Provide information regarding the means to prevent pregnancy and reduce the risk of sexually transmitted infections including HIV and AIDS;
- Encourage family communication about sexuality;
- Provide instruction concerning how to avoid unwanted verbal, physical and sexual advances; and
- Provide instruction regarding how alcohol and drugs may affect decision making.

The bill authorizes a parent to seek review of a public school’s compliance with the requirements and provides for school superintendents, district school boards, or the Commissioner of Education to review compliance and take corrective action to ensure compliance, if necessary.

This bill creates an undesignated section of the Florida Statutes.

II. Present Situation:

Section 1003.42, F.S., includes provisions for required instruction in “comprehensive health education that addresses the concepts of...family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy...”¹ Consequently, course descriptions, developed by the Department of Education (DOE), for comprehensive health education address the concepts of human sexuality education and disease prevention.

Students who entered high school prior to 2007-2008 are required to take a half credit in health education toward their graduation credits. However, the 2006 Legislature enacted new graduation requirements for students entering high school during 2007-2008 that no longer require credit in health education as a separate course. The revised graduation requirements provide for one credit in physical education to include the integration of health.² Accordingly, school districts are provided the option of requiring that students take one-half credit in physical education and one-half credit of personal fitness, or a course entitled Health Opportunities through Physical Education (H.O.P.E.).

Specific content beyond the required state-curriculum standards in any subject matter is determined by local school district policy to reflect local values and concerns. As such, school districts in Florida have various policies regarding the type of family planning, pregnancy, or sexually transmitted infections, including HIV and AIDS, education programs they offer. The department indicates that approximately half of Florida school districts list their policy for middle school as abstinence-only, and a third list their high school policy as abstinence-only.³ While course descriptions disseminated by the DOE may include instruction concerning HIV/AIDS, school districts determine how and to what extent it will be taught. Instruction in human sexuality education, puberty education, reproductive health and disease prevention, including HIV/STD prevention education, is conducted in various ways.

The Florida Department of Health (DOH) received \$10,700,147 in federal funding through Title V and Special Projects of Regional and National Significance (SPRANS) for abstinence-only-until-marriage programs during 2007. The DOH distributed the funds to 38 faith-based and community-based public and private agencies to fund 41 abstinence education projects. These organizations may offer services to their local school districts.

The DOE reports that elementary students in Florida receive puberty education, which is one component of sex education, during the fourth or fifth grade. Middle school students receive age-appropriate sex education that includes instruction in reproductive health and the means used to control the spread of diseases. Health concepts, including such topics as consumer education, personal health, environmental health, and HIV/AIDS are some of the concepts which were included in the formerly required health course and taught by teachers certified in health education.

¹ Section 1003.42(2)(n), F.S.

² Section 1003.428(2)(a)6., F.S., also allows students to participate in activities such as organized dance and marching band to satisfy the physical education component.

³ Abstinence-only programs emphasize abstinence from all sexual behaviors and may not include information regarding contraception, except in terms of failure rates, or disease prevention methods.

A recent study conducted by University of Florida researchers revealed sex education programs in Florida's public schools vary widely in content, are afforded little class time, and many students miss out altogether. The leading researcher, Dr. Brian Dodge, noted that the levels of sexually transmitted infections and unintended pregnancies continue to rise in Florida and the state ranks second in the nation in terms of annual incident HIV infections. Florida's rates of gonorrhea, chlamydia and syphilis have risen from 307 cases per 100,000 residents in 1997 to 399 in 2006, a 23 percent increase.

The Florida Department of Health reports the following current teen pregnancy and HIV/AIDS information:

- Florida has the sixth-highest teen pregnancy rate in the country, which, according to the National Campaign to Prevent Teen Pregnancy, is the leading cause of school dropouts for teen girls.
- The 2007 Florida Youth Risk Behavior Survey data indicates that 66 percent of Florida high school seniors report having had sexual intercourse and 60 percent of those seniors report having had oral sex. This represents 106,311 and 96,807 high school seniors, respectively.
- AIDS-related illnesses are the leading cause of death in non-Hispanic Blacks ages 25-44 and the fifth leading cause of death in people between the ages of 20-24.
- One in 58 non-Hispanic Black males and one in 83 females are living with HIV or AIDS.
- Fifteen percent of new infections of HIV are among persons under the age of 25.⁴
- By the end of 2004, 7,507 cases of AIDS had been reported in people between the ages of 13-29.

III. **Effect of Proposed Changes:**

The Healthy Teens Act provides that any public school that receives state funding and provides information or programs regarding family planning, pregnancy, or sexually transmitted infections, including HIV and AIDS, must provide comprehensive, medically accurate, factual, and age-appropriate information. A parent who believes that the school is not complying with the requirements may file a complaint with the district school superintendent. The superintendent has 30 days to take corrective action and provide the petitioner and the school principal with written notice of the corrective action. A parent, who is not satisfied with a district school superintendent's response to the complaint, may appeal the decision to the local school board. The school board then has 30 days to take warranted corrective action and provide written notice of corrective action to the appellant. If unsatisfied with the district school board's response, the parent or guardian may appeal to the Commissioner of Education.

This legislation would provide specific guidelines to districts regarding the type of information that should be included in family planning, pregnancy, or sexually transmitted infections, including HIV and AIDS, education programs. Local school districts would be required to develop programs to meet the guidelines of the legislation, carefully consider the sources of information, and to rely on creditable resources such as the Centers for Disease Control and Prevention and the National Institute of Health for factual and medically accurate information.

⁴ Most people diagnosed with AIDS before the age of 30 were infected with HIV in their teens or early twenties.

The bill would require school districts to include new components in instruction provided to all students, beginning in grade 6. The impact would vary among school districts, as many may already include the required components in their instruction. School districts, which do not currently include health education in the required one-half credit in personal fitness as provided in the bill, would be required to modify the curriculum to cover the topics required by the bill, either in that course or in another required course.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill would necessitate additional professional development in order to address the new components.⁵ School districts would determine the grade levels and schedule for the required instruction, and those decisions would affect the number of teachers needing training. If the decision were made statewide to provide the instruction in middle school science and high school personal fitness, the maximum number of teachers needing professional development would be 3,972 for grades 6-8 (number of science teachers in middle school or junior high school) and 1,786 for grades 9-12 (number of high school physical education teachers), for a total of 5,758. Therefore, the statewide maximum cost for professional development would be \$3,454,800.⁶

According to the DOE, the requirement for the DOE to evaluate complaints that a district is not complying with the bill's provisions would place an additional workload on the Department of Education to provide a two-fold monitoring system. The DOE may have to hire staff to investigate the allegations brought against the local school district, and

⁵ The DOE estimates a cost of \$600 per teacher per day which includes training development costs.

⁶ Department of Education, January 23, 2008

then staff would be required to assure that corrective action ordered by the Commissioner of Education was implemented.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.