

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1440

SPONSOR: Education Committee and Senator Lee

SUBJECT: Schools/Courses of Study

DATE: April 19, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>deMarsh-Mathues</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill broadens the current exemption in s. 233.061(3), F.S., to allow any student, upon written request of the student's parent or guardian to the principal, to be exempt from the teaching of reproductive health or any disease, its symptoms, development, and treatment, including HIV/AIDS. The bill eliminates the references to providing disease instruction through photographs or movies. The bill provides that course descriptions for comprehensive health education must not interfere with the local determination of appropriate curriculum which reflects local values and concerns.

The bill amends s. 233.061(3), F.S.

II. Present Situation:

Chapter 233, F.S., relating to courses of study and instructional materials, contains provisions for required instruction and authorized instruction. Under s. 233.061, F.S., each school district must provide instruction in reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.

Specific instruction in the following is mandatory: the Declaration of Independence; arguments in support of a republican form of government, as embodied in certain Federalist Papers; the essentials of the U.S. Constitution and its relation to government structure; flag education, including proper display and salute; the elements of civil government, including the functions and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts; the history of the Holocaust; the history of African Americans; elementary principles of agriculture; the effects of alcohol and narcotics upon the body and the mind; kindness to animals; state history; conservation of natural resources; comprehensive health education; Hispanic and women's contributions to the United States; and additional materials, subjects, courses, or fields as prescribed by law or rule.

Subsection (3) provides for exemptions. Any child whose parent presents to the school principal a signed statement that the teaching of disease, its symptoms, development, and treatment, and viewing of pictures or motion pictures that teach about disease, conflicts with the religious teachings of the child's religious affiliation, is exempt from the instructional activities. A child who has this exemption may not be penalized on the basis of the exemption.

There are other provisions of law that provide for AIDS/HIV education, including s. 232.246(1)(I), F.S. (relating to the life management skills credit required for high school graduation), and s. 233.0672, F.S. (relating to the school district's authority to provide instruction as a specific area of health education as appropriate for the student's grade and age). Finally, s. 381.0038, F.S., requires the Department of Health to establish an AIDS public education program. The department is required to place an emphasis on the design of educational materials that can be used by businesses, schools, and health care providers in the regular course of their business.

State Board of Education Rule 6A-1.09401, F.A.C., provides that student performance standards are to serve as guides to best practices for local curriculum designers to help schools implement school improvement strategies to raise student achievement. The benchmarked standards describe what students should know and be able to do at four progression levels (grades Prekindergarten-2, grades 3-5, grades 6-8, and grades 9-12) in specific subjects, including health/physical education. The rules require public schools to provide appropriate instruction to assist students in the achievement of these standards. The standards and benchmarks for health/physical education are contained in the Sunshine State Standards (1996) and are a part of this rule. Each district school board must incorporate these standards into the district Pupil Progression Plan. Also, the Sunshine State Standards serve as the basis for statewide assessments. According to the Department of Education, there are no course descriptions below grades 6.

Rule 6A-1.09412, F.A.C., relates to course requirements for grades 6-12 in basic and adult secondary programs. The rule states that a *course description* directs district personnel by providing the essential content and course requirements for each course in grades 6-12 that is contained in the Course Code Directory and Instructional Personnel Assignments adopted in Rule 6A-1.09441, F.A.C.

State Board approved course requirements are contained in the 1998 Course Descriptions (for grades 6-12 basic and adult secondary programs).

The rule provides for district school board variances. District school boards, through local rules, may currently approve a variance of up to 10% of the course requirements of each course description. In addition, districts may elect to offer special topics courses in various subject areas. The Commissioner of Education has the authority to approve a school's waiver request to allow the school to substitute locally approved requirements, provided that certain conditions are met.

III. Effect of Proposed Changes:

The bill broadens the current exemption in s. 233.061(3), F.S., to allow any student, upon written request of the student's parent or guardian to the principal, to be exempt from the teaching of reproductive health or any disease, its symptoms, development, and treatment, including HIV/AIDS. The bill eliminates the references to providing disease instruction through photographs or movies. The bill provides that course descriptions for comprehensive health education must not interfere with the local determination of appropriate curriculum which reflects local values and concerns.

The bill provides an effective date (upon becoming a law).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None anticipated.

C. Government Sector Impact:

None anticipated.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.