

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 545 Reproductive Health and Disease Education

**SPONSOR(S):** Secondary Education & Career Development Subcommittee, Chaney and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** CS/SB 410

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Secondary Education & Career Development Subcommittee	13 Y, 4 N, As CS	Bauman	Sanchez
2) Education & Employment Committee		Bauman	Hassell

### SUMMARY ANALYSIS

The bill requires each school district or school to provide parents of public school students the opportunity to review curriculum used to teach reproductive health or any sexually transmitted disease, including HIV/AIDS. Schools are prohibited from exposing students to such instruction without the prior written consent of a parent. Parents must be given an opportunity to review curriculum prior to providing written consent for their child's participation in the instruction.

The bill establishes that a student whose parent does not give written consent for such teaching may not be penalized due to the withheld consent.

The bill provides an effective date of July 1, 2021.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### **K-12 Student and Parent Rights**

Parents of public school students are required by law to receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child succeed in school.<sup>1</sup> K-12 students and their parents are afforded numerous statutory rights pertaining to student education, including reproductive health and disease education.<sup>2</sup>

Florida law requires district school boards to provide comprehensive health education that among other issues addresses community health, family life (including awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy), personal health, and the prevention and control of disease.<sup>3</sup> A public school student whose parent makes a written request to the school principal must be exempted from reproductive health and disease instruction, including instruction relating to HIV/AIDS.<sup>4</sup> However, parents are not provided the opportunity to review the curriculum and to provide such instruction prior to providing consent. A student exempted from the teaching of reproductive health or any disease, including HIV/AIDS and its symptoms, development, and treatment, may not be penalized for that exemption.<sup>5</sup>

Health education is included in the required instruction to ensure that students meet Florida State Board of Education (SBE) standards.<sup>6</sup> Course curriculum refers to the lessons and academic content taught in a school or specific course. It may include but is not limited to a course syllabus and standards, instructional materials, or other resources an instructor may use in the class.<sup>7</sup> Standards and instructional materials are subject to specific selection, adoption, and review processes.<sup>8</sup>

#### Instructional Materials

Each district school board has the constitutional duty and responsibility to select and provide adequate instructional materials<sup>9</sup> to each student for core courses in mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12.<sup>10</sup> School districts may purchase instructional materials from a list of state-reviewed and adopted instructional materials<sup>11</sup> or establish their own review and adoption program.<sup>12</sup> District school boards receive state funding for instructional materials through the instructional materials allocation.<sup>13</sup>

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<sup>1</sup> Section 1002.20, F.S.

<sup>2</sup> Section 1002.20(3)(d), F.S.

<sup>3</sup> Section 1003.42(2)(n), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 1003.42(3), F.S.

<sup>6</sup> See CPALMS, *Browse and Search Standards*, <https://www.cpalms.org/Public/search/Standard> (last visited March 4, 2021) (Select "Subject" and filter by "Health Education").

<sup>7</sup> See The Glossary of Education Reform, *Curriculum*, <https://www.edglossary.org/curriculum/> (last visited March 2, 2021).

<sup>8</sup> See Ss. 1003.41 and 1006.28, F.S. See also text accompanying notes 14-19.

<sup>9</sup> "Instructional materials" are items with intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. See ss. 1006.28(1) and 1006.29(2), F.S.

<sup>10</sup> See Section 1006.40(2) and (4), F.S.

<sup>11</sup> See Florida Department of Education, *Instructional Materials*, <http://www.fl DOE.org/academics/standards/instructional-materials/> (last visited March 3, 2021).

<sup>12</sup> See ss. 1006.283 and 1006.40, F.S.

<sup>13</sup> See Section 1006.40, F.S. See also Florida Department of Education, *2020-21 Funding for Florida School Districts*, at 20, available at <http://www.fl DOE.org/core/fileparse.php/7507/urlt/feftpdist.pdf> (last visited March 3, 2021).

Each district school board is responsible for the content of all instructional materials and any other materials used in the classroom, made available in a school library, or included on a reading list.<sup>14</sup> Each district school board must maintain on its website a current list of instructional materials, purchased by the district, separated by grade level.<sup>15</sup> Florida law establishes that the parent of a public school student has the right to receive effective communication from the school principal about the manner in which instructional materials are used to implement curricular objectives.<sup>16</sup>

District school boards are required to adopt a policy for objections by a parent or resident of the county to the use of a specific instructional material.<sup>17</sup> The policy must clearly describe a process, in which the objector has the opportunity to provide specific evidence<sup>18</sup> to the district school board, and provide for resolution.<sup>19</sup>

### **Effect of Proposed Changes**

The bill requires each school district or school to provide parents of public school students the opportunity to review curriculum used to teach reproductive health or any sexually transmitted disease, including HIV/AIDS and its symptoms, development, and treatment. Schools are prohibited from exposing students to such instruction without the prior written consent of a parent. Parents must be given an opportunity to review curriculum prior to providing written consent for their child's participation in the instruction.

The bill establishes that a student whose parent does not give written consent for such teaching may not be penalized due to the withheld consent.

#### **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1002.20, F.S., providing that a public school student may be exposed to certain teaching only in accordance with a specified procedure; making a technical change.

**Section 2.** Amends 1003.42, F.S., requiring school districts or specified schools to notify and obtain the written consent of parents before the teaching of reproductive health or any sexually transmitted disease; prohibiting schools from allowing students to be exposed to such teaching without the written consent of their parent; prohibiting a student whose parent does not give such written consent from being penalized.

**Section 3.** Provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

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<sup>14</sup> Section 1006.28(2)(a)1., F.S.

<sup>15</sup> Section 1006.28(2)(a)1., F.S.

<sup>16</sup> Section 1002.20(19)(b), F.S.

<sup>17</sup> Section 1006.28(2)(a)2., F.S.

<sup>18</sup> The parent or resident may present evidence to show that the material does not meet the criteria or requirements of the instructional material selection or adoption process. The parent or resident may also present evidence that the instructional material contains pornographic or prohibited content, as described by s. 847.012, F.S., is not suited to student needs and comprehension of the materials presented, or is inappropriate for the grade level and age group. Section 1006.28(2)(a)2.a.-b., F.S.

<sup>19</sup> *Id.*

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.