

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 410

INTRODUCER: Criminal Justice Committee and Senator Rodriguez

SUBJECT: Materials Harmful to Minors

DATE: April 19, 2021

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stokes</u>	<u>Jones</u>	<u>CJ</u>	<b>Fav/CS</b>
2.	<u>Stokes</u>	<u>Phelps</u>	<u>RC</u>	<b>Favorable</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 410 amends s. 1002.20, F.S., providing that each school district must notify parents of the right to make a written request to exempt his or her child from the teaching of reproductive health or any disease, including HIV/AIDS. This notification must be through publication on the district website of the curriculum and the process for a parent to exercise this right.

The bill amends s. 1003.42, F.S., providing that the curriculum of any teaching of reproductive health or any disease, including HIV/AIDS, and its symptoms, development, and treatment, as part of a required course must be annually approved by a district school board in an open, noticed public meeting.

The bill is effective July 1, 2021.

**II. 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>

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

<sup>2</sup> See s. 1002.20, F.S.

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> One right a parent of a public school student has is to make a written request to the school principal to exempt his or her student from reproductive health and disease instruction, including instruction relating to HIV/AIDS. If such a request is made the student must be exempt from such instruction and may not be penalized.<sup>4</sup>

Health education is included in the required instruction to ensure that students meet Florida State Board of Education (SBE) standards.<sup>5</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>6</sup> Standards and instructional materials are subject to specific selection, adoption, and review processes.<sup>7</sup>

### ***Instructional Materials***

Each district school board has the constitutional duty and responsibility to select and provide adequate instructional materials<sup>8</sup> to each student for core courses in mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12.<sup>9</sup> School districts may purchase instructional materials from a list of state-reviewed and adopted instructional materials<sup>10</sup> or establish their own review and adoption program.<sup>11</sup> District school boards receive state funding for instructional materials through the instructional materials allocation.<sup>12</sup>

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>13</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>14</sup> Florida law establishes that the parent of a public school student has the right to receive effective

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

<sup>4</sup> Section 1002.20(3)(d), F.S.

<sup>5</sup> See CPALMS, *Browse and Search Standards*, available at <https://www.cpalms.org/Public/search/Standard> (last visited March 24, 2021) (Select “Subject” and filter by “Health Education”).

<sup>6</sup> See The Glossary of Education Reform, *Curriculum*, available at <https://www.edglossary.org/curriculum/> (last visited March 24, 2021).

<sup>7</sup> See ss. 1003.41 and 1006.28, F.S. See also text accompanying notes 14-19.

<sup>8</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>9</sup> See s. 1006.40(2) and (4), F.S.

<sup>10</sup> See Florida Department of Education, *Instructional Materials*, available at <http://www.fldoe.org/academics/standards/instructional-materials/> (last visited March 24, 2021).

<sup>11</sup> See ss. 1006.283 and 1006.40, F.S.

<sup>12</sup> See s. 1006.40, F.S. See also Florida Department of Education, *2020-21 Funding for Florida School Districts*, at 20, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf> (last visited March 24, 2021).

<sup>13</sup> Section 1006.28(2)(a)1., F.S.

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

communication from the school principal about the manner in which instructional materials are used to implement curricular objectives.<sup>15</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>16</sup> The policy must clearly describe a process, in which the objector has the opportunity to provide specific evidence<sup>17</sup> to the district school board, and provide for resolution.<sup>18</sup>

### **III. Effect of Proposed Changes:**

This bill amends s. 1002.20, F.S., providing that each school district must notify parents of the right to make a written request to exempt his or her child from the teaching of reproductive health or any disease, including HIV/AIDS. This notification must be through publication on the district website of the curriculum and the process for a parent to exercise this right.

The bill amends s. 1003.42, F.S., providing that the curriculum of any teaching of reproductive health or any disease, including HIV/AIDS, and its symptoms, development, and treatment, as part of a required course must be annually approved by a district school board in an open, noticed public meeting.

The bill is effective July 1, 2021.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

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<sup>15</sup> Section 1002.20(19)(b), F.S.

<sup>16</sup> Section 1006.28(2)(a)2., F.S.

<sup>17</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>18</sup> *Id.*

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.20 and 1003.42.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal Justice on March 30, 2021:**

The committee substitute provides that:

- Each school district must notify parents of the right to exempt his or her child from the teaching of reproductive health or any disease including HIV/AIDS. This notification must be through publication on the district's website of the curriculum and the process of how parents can exercise such right.
- The curriculum of any teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment, as part of a required course must be annually approved by a district school board in an open noticed public meeting.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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