HB550

107142-1

By Representative Todd

RFD: Education Policy

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SYNOPSIS: Existing law does not require the principal of a public school to notify parents of children receiving abstinence-only education that the children are not receiving information regarding prevention of sexually transmitted diseases, human immunodeficiency virus, acquired immune deficiency syndrome, and pregnancy prevention.

This bill would require each principal of a public school to notify parents of children receiving abstinence-only education that the children are not receiving information regarding prevention of sexually transmitted diseases, human immunodeficiency virus, acquired immune deficiency syndrome, and pregnancy prevention.

A BILL

TO BE ENTITLED

AN ACT

To require the principal of a public school to notify parents of students receiving abstinence-only education that the children are not receiving information regarding prevention of sexually transmitted diseases, human immunodeficiency virus, acquired immune deficiency syndrome, and pregnancy prevention.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and cited as the "Parents' Right to Know Act."

Section 2. (a) The Legislature finds and declares the following:

(1) Although teen pregnancy rates are decreasing, there are still nearly 900,000 teen pregnancies each year. Nearly 80 percent of teen pregnancies among 15- to 19-year-olds are unintended. According to the Alabama Department of Public Health, 5,269 babies were born to pre-teens and teens in Alabama in 2005.

(2) There were nine million new cases of sexually transmitted infections that occurred among 15- to 24-year-olds in 2000 costing six and one half billion dollars ($6,500,000,000).

(3) An average of two young people in the United States are infected with the human immunodeficiency virus every hour of every day. African American and Hispanic youth have been disproportionately affected by the human immunodeficiency virus or acquired immune deficiency syndrome, epidemic. According to the Alabama Department of Public

Health, 14,929 human immunodeficiency virus, or acquired immune deficiency syndrome, epidemic cases had been reported in Alabama as of March 31, 2007. According to the report, African Americans account for 63.2 percent of the human immunodeficiency virus, or acquired immune deficiency syndrome, epidemic cases reported in Alabama, although they represent only 26 percent of the Alabama population.

(4) More than eight out of 10 Americans believe that young people should have information about protecting themselves from unplanned pregnancies and sexually transmitted diseases.

(5) The American Medical Association, the American Nurses Association, the American Academy of Pediatrics, the American College of Obstetrics and Gynecology, the American Public Health Association, and the Society of Adolescent Medicine support responsible sexuality education that includes information about both abstinence and contraception.

(6) Nearly half of all teen males do not receive any formal education about birth control or sexually transmitted infections before having sex for the first time.

(7) Research shows that teenagers who receive sexuality education that includes discussions of contraception are more likely than those who receive abstinence-only messages to delay sexual activity and to use contraceptives when they do become sexually active.

(8) The overwhelming weight of scientific evidence suggests that addressing abstinence and contraception does not increase sexual activity.

(b) It is therefore the intent of the Alabama Legislature to establish the Family Information and Youth Protection Act which would require provision of information to parents about the content of specific public school curricula as they pertain to abstinence-only education, methods of preventing pregnancy, and sexually transmitted infections; would allow parents to excuse their child from abstinence-only instruction; would inform them of their right to be involved in their child's education; and would provide an enforcement mechanism.

Section 3. As used in this act, "medically accurate" means information supported by the weight of research conducted in compliance with accepted scientific methods and recognized as accurate and objective by leading professional organizations and agencies with relevant expertise in the field.

Section 4. The principal of each public school that receives abstinence-only funding or elects to teach abstinence-only education in any grades 6-12, inclusive, at the beginning of each year, or for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment, shall send a notice home to the parents or guardians of the affected students stating the following:

(1) Your child is receiving abstinence-only education.

(2) Abstinence-only education does not teach students how to prevent pregnancy or sexually transmitted infections other than by remaining abstinent.

(3) Your child is not receiving the following information:

a. Methods, other than abstinence, for preventing pregnancy and sexually transmitted infections, including, but not limited to, the human immunodeficiency virus or acquired immune deficiency syndrome.

b. Medically-accurate instruction on the risks and benefits, including safety and efficacy, of Food and Drug Administration approved methods for:

1. Reducing the risk of contracting sexually transmitted infections, including human immunodeficiency virus or acquired immune deficiency syndrome.

2. Preventing pregnancy.

c. Medically-accurate instruction regarding the correct use of Food and Drug Administration approved methods for:

1. Reducing the risk of contracting sexually transmitted infections, including human immunodeficiency virus or acquired immune deficiency syndrome.

2. Preventing pregnancy.

d. Instruction that provides lesbian, gay, bisexual, and transgender students with the necessary skills for making

and implementing responsible decisions about relationships and sexuality, including the use of all effective methods to prevent sexually transmitted infections, including human immunodeficiency virus or acquired immune deficiency syndrome.

e. Instruction that provides sexually-active students with the necessary skills for making and implementing responsible decisions about relationships and sexuality, including the use of all effective methods to prevent pregnancy and sexually transmitted infections, including human immunodeficiency virus or acquired immune deficiency syndrome.

(4) Parents have the right to review abstinence-only curriculum it its entirety. Written and audio visual educational materials used in abstinence-only education shall be made reasonably accessible for inspection.

(5) Parents have the right to excuse their child from all or parts of abstinence-only instruction.

(6) Parents have the right to be involved in the education of their child.

Section 5. (a) At the request of a parent or guardian, a pupil shall be excused from all or parts of abstinence-only instruction. The principal shall notify all parents of their ability to withdraw their child from the instruction.

(b) A pupil may not be subject to disciplinary action, academic penalty, or other sanction if the pupil’s parent or guardian declines to permit the student to receive abstinence-only education.

Section 6. The school shall inform the parent or guardian of an affected student of the opportunity for commenting on curriculum to the local board of education by including information at the beginning of each year, or for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil’s enrollment.

Section 7. (a) A parent or guardian who believes that he or she failed to receive a notice may file a complaint with the superintendent of education for the school where his or her child is enrolled. Within 30 days of receiving a complaint, the superintendent shall take any warranted corrective action and notify the complainant and principal what, corrective action, if any, was taken.

(b) Upon receipt of notice from the superintendent, within 30 days after filing a complaint with the superintendent, the parent or guardian may take their complaint to the local board of education for review. The board has 30 days to take any warranted corrective action and notify the complainant and superintendent what, corrective action, if any, was taken.

(c) Upon receipt of notice from the local board of education, the parent or guardian may appeal to the State Superintendent of Education. The State Superintendent of Education shall investigate a claim and make a finding regarding compliance with this act. If the State Superintendent of Education makes a finding of substantial non-compliance, he or she shall take corrective action,

including prohibiting the school district from accepting state and federal abstinence-only funding for a period of at least one calendar year.

Section 8. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.