
A BILL FOR AN ACT

RELATING TO PUBLIC SCHOOL HEALTH CURRICULUM OPT-OUT POLICY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that parents and legal
2 guardians of public school students do not always agree with
3 specific sections of the standards-based health curriculum
4 taught in public schools. The legislature further finds that a
5 decision to opt-out from a specific lesson or activity must be
6 respected by school administrators and teaching staff alike.

7 While an opt-out policy currently exists within the board
8 of education, and an opt-out process exists within the
9 department of education, the legislature finds that the
10 codification of a uniform set of opt-out guidelines and
11 standards for health curriculum will promote transparency and
12 better serve the public.

13 The intent of this measure is to afford parents and legal
14 guardians with additional discretion in potentially
15 controversial health curriculum matters, and to ensure that opt-
16 out students are not negatively impacted as a result.

17 The purpose of this Act is to place in statute an opt-out
18 provision for parents and legal guardians who wish to exclude



1 their children from participating in a specific lesson or
2 activity involving standards-based health curriculum, and to
3 require that an alternative standards-based curriculum be
4 established for opt-out students.

5 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
6 amended by adding a new section to subpart B of part II to be
7 appropriately designated and to read as follows:

8 "§302A- Standards-based health curriculum; opt-out
9 alternative. (a) A parent or legal guardian may opt-out their
10 child from a specific standards-based health curriculum lesson
11 or activity by submitting a completed opt-out form to the school
12 or school principal no later than thirty days prior to the
13 curriculum implementation date.

14 (b) All opt-out students shall participate in an
15 alternative standards-based health curriculum lesson or
16 activity, provided that:

17 (1) A parent or legal guardian who has decided to opt-out
18 their child from a specific standards-based health curriculum
19 lesson or activity shall have the right to object to any
20 proposed alternative standards-based health curriculum lesson or
21 activity; and



1 (2) The parent or legal guardian may work directly with
2 the school principal to develop an equitable, individualized
3 solution that addresses the parent or legal guardian's concerns.

4 (c) For any standards-based health curriculum that is
5 implemented pursuant to section 302A-321, an alternative
6 standards-based health curriculum shall be developed and made
7 available for opt-out students. An alternative standards-based
8 health curriculum shall:

9 (1) Incorporate lessons and activities that are of equal
10 academic value to their non-alternative standards-
11 based health curriculum counterpart; and

12 (2) Ensure that participation in any opt-out lesson or
13 activity does not compromise, undermine, or threaten
14 the educational standing of an opt-out student.

15 (d) Any alternative standards-based health curriculum
16 developed under this section shall be subject to the
17 requirements set forth in section 302A-321."

18 SECTION 3. Section 302A-1103, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§302A-1103 Principal; authority and responsibility.** The
21 role of the principal shall include but not be limited to
22 overseeing the day-to-day management of the school, the primary



1 function of which is to develop and deliver instructional
2 services to students in accordance with statewide educational
3 policy and to enable students to meet or exceed statewide
4 academic standards. The principal shall:

- 5 (1) Ensure that the curriculum, including any alternative
6 standards-based curriculum for opt-out students,
7 facilitates the achievement of the statewide student
8 performance standards adopted for the public school
9 system;
- 10 (2) Develop and present to the school community council
11 for its review and approval, academic and financial
12 plans relating to the school[+], and copies of any new
13 or amended curriculum;
- 14 (3) Exercise authority over the implementation of the
15 budget, policies, and operations of the school[+and],
16 including the dissemination of any new or amended
17 curriculum and corresponding opt-out form to the
18 parent or legal guardian of any affected student; and
- 19 (4) Collaborate with other principals in the principal's
20 school complex to ensure that:
- 21 (A) Logical, sequential, board approved curricula are
22 adopted within the school complex;



- 1 (B) Best practices are shared among and implemented
- 2 by schools within the school complex;
- 3 (C) The goals and objectives of the school complex
- 4 are being met;
- 5 (D) The use of school complex-based personnel and
- 6 contractors who divide their time between more
- 7 than one school in a school complex is
- 8 coordinated to maximize efficiency; and
- 9 (E) The passage of students through the continuum of
- 10 grades is coordinated in a manner consistent with
- 11 section 302A-1004."

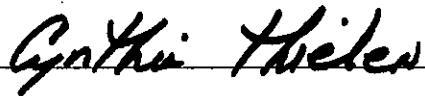
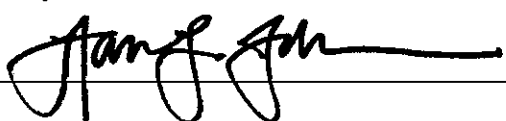
12 SECTION 4. The board shall adopt rules under chapter 91 to
13 implement this Act.

14 SECTION 5. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect on January 1, 2015.

17

INTRODUCED BY:

JAN 22 2014



H.B. NO. 2374

Report Title:

Education; Public School Health Curriculum; Opt-out

Description:

Codifies opt-out provisions for parents and legal guardians who choose to exclude their children from a specific lesson or activity involving standards-based health curriculum. Requires that an alternative standards-based health curriculum be developed and made available for opt-out students.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

