

By Senator Albritton

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1 A bill to be entitled
2 An act relating to the removal of a student for an
3 involuntary examination; amending ss. 381.0056,
4 1002.20, and 1002.33, F.S.; revising the requirements
5 for parental notification prior to removing a student
6 for an involuntary examination under certain
7 circumstances; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Paragraph (a) of subsection (4) of section
12 381.0056, Florida Statutes, is amended to read:

13 381.0056 School health services program.—

14 (4) (a) Each county health department shall develop, jointly
15 with the district school board and the local school health
16 advisory committee, a school health services plan. The plan must
17 include, at a minimum, provisions for all of the following:

- 18 1. Health appraisal;
19 2. Records review;
20 3. Nurse assessment;
21 4. Nutrition assessment;
22 5. A preventive dental program;
23 6. Vision screening;
24 7. Hearing screening;
25 8. Scoliosis screening;
26 9. Growth and development screening;
27 10. Health counseling;
28 11. Referral and followup of suspected or confirmed health
29 problems by the local county health department;

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- 30 12. Meeting emergency health needs in each school;
- 31 13. County health department personnel to assist school
32 personnel in health education curriculum development;
- 33 14. Referral of students to appropriate health treatment,
34 in cooperation with the private health community whenever
35 possible;
- 36 15. Consultation with a student's parent or guardian
37 regarding the need for health attention by the family physician,
38 dentist, or other specialist when definitive diagnosis or
39 treatment is indicated;
- 40 16. Maintenance of records on incidents of health problems,
41 corrective measures taken, and such other information as may be
42 needed to plan and evaluate health programs; except, however,
43 that provisions in the plan for maintenance of health records of
44 individual students must be in accordance with s. 1002.22;
- 45 17. Health information which will be provided by the school
46 health nurses, when necessary, regarding the placement of
47 students in exceptional student programs and the reevaluation at
48 periodic intervals of students placed in such programs;
- 49 18. Notification to the local nonpublic schools of the
50 school health services program and the opportunity for
51 representatives of the local nonpublic schools to participate in
52 the development of the cooperative health services plan; and
- 53 19. ~~Immediate~~ Notification to a student's parent, guardian,
54 or caregiver if the student is removed from school, school
55 transportation, or a school-sponsored activity and taken to a
56 receiving facility for an involuntary examination pursuant to s.
57 394.463, including the requirements established under ss.
58 1002.20(3) and 1002.33(9), as applicable. Such notification

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59 shall include:

60 a. Notification prior to the student's removal for an
61 involuntary examination, if such notification will not cause a
62 delay that jeopardizes the student's or another individual's
63 physical or mental health or safety.

64 b. Immediate notification upon the student's removal for an
65 involuntary examination.

66 Section 2. Paragraph (1) of subsection (3) of section
67 1002.20, Florida Statutes, is amended to read:

68 1002.20 K-12 student and parent rights.—Parents of public
69 school students must receive accurate and timely information
70 regarding their child's academic progress and must be informed
71 of ways they can help their child to succeed in school. K-12
72 students and their parents are afforded numerous statutory
73 rights including, but not limited to, the following:

74 (3) HEALTH ISSUES.—

75 (1) *Notification of involuntary examinations.*—

76 1. The public school principal or the principal's designee
77 shall immediately notify the parent of a student who is removed
78 from school, school transportation, or a school-sponsored
79 activity and taken to a receiving facility for an involuntary
80 examination pursuant to s. 394.463. In addition, the principal
81 or the principal's designee shall explain to the parent the
82 reason or situation that gave rise to such removal. The
83 principal or the principal's designee may delay notification for
84 no more than 24 hours after the student is removed if the
85 principal or designee deems the delay to be in the student's
86 best interest and if a report has been submitted to the central
87 abuse hotline, pursuant to s. 39.201, based upon knowledge or

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88 suspicion of abuse, abandonment, or neglect.

89 2. Prior to removal of a student for an involuntary
90 examination, the principal or the principal's designee shall
91 notify the parent, if such notification will not cause a delay
92 that jeopardizes the student's or another individual's physical
93 or mental health or safety. However, the principal or the
94 principal's designee may omit notification prior to removal if
95 the principal or designee deems it to be in the student's best
96 interest and if a report has been submitted to the central abuse
97 hotline, pursuant to s. 39.201, based upon knowledge or
98 suspicion of abuse, abandonment, or neglect.

99 3. Each district school board shall develop a policy and
100 procedures for notification under this paragraph.

101 Section 3. Paragraph (q) of subsection (9) of section
102 1002.33, Florida Statutes, is amended to read:

103 1002.33 Charter schools.—

104 (9) CHARTER SCHOOL REQUIREMENTS.—

105 (q)1. The charter school principal or the principal's
106 designee shall immediately notify the parent of a student who is
107 removed from school, school transportation, or a school-
108 sponsored activity and taken to a receiving facility for an
109 involuntary examination pursuant to s. 394.463. In addition, the
110 principal or the principal's designee shall explain to the
111 parent the reason or situation that gave rise to such removal.
112 The principal or the principal's designee may delay notification
113 for no more than 24 hours after the student is removed if the
114 principal or designee deems the delay to be in the student's
115 best interest and if a report has been submitted to the central
116 abuse hotline, pursuant to s. 39.201, based upon knowledge or

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117 suspicion of abuse, abandonment, or neglect.

118 2. Prior to removal of a student for an involuntary
119 examination, the principal or the principal's designee shall
120 notify the parent, if such notification will not cause a delay
121 that jeopardizes the student's or another individual's physical
122 or mental health or safety. However, the principal or the
123 principal's designee may omit notification prior to removal if
124 the principal or designee deems it to be in the student's best
125 interest and if a report has been submitted to the central abuse
126 hotline, pursuant to s. 39.201, based upon knowledge or
127 suspicion of abuse, abandonment, or neglect.

128 3. Each charter school governing board shall develop a
129 policy and procedures for notification under this paragraph.

130 Section 4. This act shall take effect July 1, 2019.