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LEGISLATIVE ACTION

Senate

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House

Floor: 11/F/2R

03/07/2022 05:15 PM

Senator Gibson moved the following:

Senate Amendment (with title amendment)

Delete lines 102 - 162

and insert:

4. At the beginning of the school year, each school district shall notify parents of each health care service offered at their student's school and the option to withhold consent or decline any specific service. Parental consent to a health care service does not waive the parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's services or



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12 monitoring as provided by this paragraph.

13 5. Before administering a student well-being questionnaire
14 or health screening form to a student in kindergarten through
15 grade 3, the school district must provide the questionnaire or
16 health screening form to the parent and obtain the permission of
17 the parent.

18 6. Each school district shall adopt procedures for a parent
19 to notify the principal, or his or her designee, regarding
20 concerns under this paragraph at his or her student's school and
21 the process for resolving those concerns within 7 calendar days
22 after notification by the parent.

23 a. At a minimum, the procedures must require that within 30
24 days after notification by the parent that the concern remains
25 unresolved, the school district must either resolve the concern
26 or provide a statement of the reasons for not resolving the
27 concern.

28 b. If a concern is not resolved by the school district, a
29 parent may:

30 (I) Request the Commissioner of Education to appoint a
31 special magistrate who is a member of The Florida Bar in good
32 standing and who has at least 5 years' experience in
33 administrative law. The special magistrate shall determine facts
34 relating to the dispute over the school district procedure or
35 practice, consider information provided by the school district,
36 and render a recommended decision for resolution to the State
37 Board of Education within 30 days after receipt of the request
38 by the parent. The State Board of Education must approve or
39 reject the recommended decision at its next regularly scheduled
40 meeting that is more than 7 calendar days and no more than 30



41 days after the date the recommended decision is transmitted. The
42 costs of the special magistrate shall be borne by the school
43 district. The State Board of Education shall adopt rules,
44 including forms, necessary to implement this sub-sub-
45 subparagraph.

46 (II) Bring an action against the school district to obtain
47 a declaratory judgment that the school district procedure or
48 practice violates this paragraph and seek injunctive relief. A
49 court may award damages and shall award reasonable attorney fees
50 and court costs to a parent who receives declaratory or
51 injunctive relief.

52 c. Each school district shall adopt policies to notify
53 parents of the procedures required under this subparagraph.

54 d. Nothing contained in this subparagraph shall be
55 construed to abridge or alter rights of action or remedies in
56 equity already existing under the common law or general law.

57
58 ===== T I T L E A M E N D M E N T =====

59 And the title is amended as follows:

60 Delete lines 24 - 56

61 and insert:

62 requiring school districts to notify parents of health
63 care services and provide parents the opportunity to
64 consent or decline such services; providing that a
65 specified parental consent does not wave certain
66 parental rights; requiring school districts to provide
67 parents with certain questionnaires or health
68 screening forms and obtain parental permission before
69 administering such questionnaires and forms; requiring



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70 school districts to adopt certain procedures for
71 resolving specified parental concerns; requiring
72 resolution within a specified timeframe; requiring the
73 Commissioner of Education to appoint a special
74 magistrate for unresolved concerns; providing
75 requirements for the special magistrate; requiring the
76 State Board of Education to approve or reject the
77 special magistrate's recommendation within specified
78 timeframe; requiring school districts to bear the
79 costs of the special magistrate; requiring the State
80 Board of Education to adopt rules; providing
81 requirements for such rules; authorizing a parent to
82 bring an action against a school district to obtain a
83 declaratory judgment that a school district procedure
84 or practice violates certain provisions of law;
85 providing for the additional award of injunctive
86 relief, damages, and reasonable attorney fees and
87 court costs to certain parents; requiring school
88 districts to adopt policies to notify parents of
89 certain rights; providing construction; providing an