

1 A bill to be entitled
2 An act relating to parental rights in education;
3 amending s. 1001.42, F.S.; requiring district school
4 boards to adopt procedures that comport with certain
5 provisions of law for notifying a student's parent of
6 specified information; requiring such procedures to
7 reinforce the fundamental right of parents to make
8 decisions regarding the upbringing and control of
9 their children in a specified manner; prohibiting the
10 procedures from prohibiting a parent from accessing
11 certain records; providing construction; prohibiting a
12 school district from adopting procedures or student
13 support forms that prohibit school district personnel
14 from notifying a parent about specified information or
15 that encourage or have the effect of encouraging a
16 student to withhold from a parent such information;
17 prohibiting school district personnel from
18 discouraging or prohibiting parental notification and
19 involvement in critical decisions affecting a
20 student's mental, emotional, or physical well-being;
21 providing construction; prohibiting classroom
22 discussion about sexual orientation or gender identity
23 in certain grade levels or in a specified manner;
24 requiring certain training developed or provided by a
25 school district to adhere to standards established by

26 | the Department of Education; requiring school
 27 | districts to notify parents of healthcare services and
 28 | provide parents the opportunity to consent or decline
 29 | such services; providing that a specified parental
 30 | consent does not wave certain parental rights;
 31 | requiring school districts to provide parents with
 32 | certain questionnaires or health screening forms and
 33 | obtain parental permission before administering such
 34 | questionnaires and forms; authorizing a parent to
 35 | bring an action against a school district to obtain a
 36 | declaratory judgment that a school district procedure
 37 | or practice violates certain provisions of law;
 38 | providing for the additional award of injunctive
 39 | relief, damages, and reasonable attorney fees and
 40 | court costs to certain parents; requiring the
 41 | department to review and update, as necessary,
 42 | specified materials by a certain date; providing an
 43 | effective date.

44 |
 45 | Be It Enacted by the Legislature of the State of Florida:
 46 |

47 | Section 1. Paragraph (c) is added to subsection (8) of
 48 | section 1001.42, Florida Statutes, to read:

49 | 1001.42 Powers and duties of district school board.—The
 50 | district school board, acting as a board, shall exercise all

51 powers and perform all duties listed below:

52 (8) STUDENT WELFARE.—

53 (c)1. In accordance with the rights of parents enumerated
 54 in ss. 1002.20 and 1014.04, adopt procedures for notifying a
 55 student's parent if there is a change in the student's services
 56 or monitoring related to the student's mental, emotional, or
 57 physical health or well-being and the school's ability to
 58 provide a safe and supportive learning environment for the
 59 student. The procedures must reinforce the fundamental right of
 60 parents to make decisions regarding the upbringing and control
 61 of their children by requiring school district personnel to
 62 encourage a student to discuss issues relating to his or her
 63 well-being with his or her parent or to facilitate discussion of
 64 the issue with the parent. The procedures may not prohibit
 65 parents from accessing any of their student's education and
 66 health records created, maintained, or used by the school
 67 district, as required by s. 1002.22(2).

68 2. A school district may not adopt procedures or student
 69 support forms that prohibit school district personnel from
 70 notifying a parent about his or her student's mental, emotional,
 71 or physical health or well-being, or a change in related
 72 services or monitoring, or that encourage or have the effect of
 73 encouraging a student to withhold from a parent such
 74 information. School district personnel may not discourage or
 75 prohibit parental notification of and involvement in critical

76 decisions affecting a student's mental, emotional, or physical
77 health or well-being. This subparagraph does not prohibit a
78 school district from adopting procedures that permit school
79 personnel to withhold such information from a parent if a
80 reasonably prudent person would believe that disclosure would
81 result in abuse, abandonment, or neglect, as those terms are
82 defined in s. 39.01.

83 3. Classroom instruction by school personnel or third
84 parties on sexual orientation or gender identity may not occur
85 in kindergarten through grade 3 or in a manner that is not age-
86 appropriate or developmentally appropriate for students in
87 accordance with state standards.

88 4. Student support services training developed or provided
89 by a school district to school district personnel must adhere to
90 student services guidelines, standards, and frameworks
91 established by the Department of Education.

92 5. At the beginning of the school year, each school
93 district shall notify parents of each healthcare service offered
94 at their student's school and the option to withhold consent or
95 decline any specific service. Parental consent to a health care
96 service does not waive the parent's right to access his or her
97 student's educational or health records or to be notified about
98 a change in his or her student's services or monitoring as
99 provided by this paragraph.

100 6. Before administering a student well-being questionnaire

101 or health screening form to a student in kindergarten through
102 grade 3, the school district must provide the questionnaire or
103 health screening form to the parent and obtain the permission of
104 the parent.

105 7. A parent of a student may bring an action against a
106 school district to obtain a declaratory judgment that a school
107 district procedure or practice violates this paragraph and seek
108 injunctive relief. A court may award damages and shall award
109 reasonable attorney fees and court costs to a parent who
110 receives declaratory or injunctive relief.

111 Section 2. By June 30, 2023, the Department of Education
112 shall review and update, as necessary, school counseling
113 frameworks and standards; educator practices and professional
114 conduct principles; and any other student services personnel
115 guidelines, standards, or frameworks in accordance with the
116 requirements of this act.

117 Section 3. This act shall take effect July 1, 2022.