

By Senator Calatayud

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1                   A bill to be entitled  
2       An act relating to dental screenings for K-12  
3       students; amending ss. 1001.42 and 1014.06, F.S.;  
4       authorizing specified dental screenings to be  
5       performed on K-12 students after written parental  
6       notification of such services is provided and the  
7       student's parents are given specified opportunities;  
8       defining the term "dental screening"; providing an  
9       effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13       Section 1. Paragraph (c) of subsection (8) of section  
14       1001.42, Florida Statutes, is amended to read:

15       1001.42 Powers and duties of district school board.—The  
16       district school board, acting as a board, shall exercise all  
17       powers and perform all duties listed below:

18       (8) STUDENT WELFARE.—

19       (c)1. In accordance with the rights of parents enumerated  
20       in ss. 1002.20 and 1014.04, adopt procedures for notifying a  
21       student's parent if there is a change in the student's services  
22       or monitoring related to the student's mental, emotional, or  
23       physical health or well-being and the school's ability to  
24       provide a safe and supportive learning environment for the  
25       student. The procedures must reinforce the fundamental right of  
26       parents to make decisions regarding the upbringing and control  
27       of their children by requiring school district personnel to  
28       encourage a student to discuss issues relating to his or her  
29       well-being with his or her parent or to facilitate discussion of

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the issue with the parent. The procedures may not prohibit parents from accessing any of their student's education and health records created, maintained, or used by the school district, as required by s. 1002.22(2).

2. A school district may not adopt procedures or student support forms that prohibit school district personnel from notifying a parent about his or her student's mental, emotional, or physical health or well-being, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold from a parent such information. School district personnel may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being. This subparagraph does not prohibit a school district from adopting procedures that permit school personnel to withhold such information from a parent if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect, as those terms are defined in s. 39.01.

3. Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in prekindergarten through grade 8, except when required by ss. 1003.42(2)(o)3. and 1003.46. If such instruction is provided in grades 9 through 12, the instruction must be age-appropriate or developmentally appropriate for students in accordance with state standards. This subparagraph applies to charter schools.

4. Student support services training developed or provided by a school district to school district personnel must adhere to student services guidelines, standards, and frameworks

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established by the Department of Education.

5. 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 in accordance with s. 1014.06. A dental screening included in the preventive dental program listed in s. 381.0056(4)(a)5. may be performed after the student's parent has been given written notice of such services and the reasonable opportunity to deny consent or opt his or her student out of such services. For purposes of this subparagraph, the term "dental screening" means a limited, noninvasive visual inspection of the oral cavity, performed for the purpose of identifying obvious signs of dental disease or abnormality. The term does not include the diagnosis or treatment of a dental disease or abnormality or the use of instruments that penetrate tissue, and may not be construed as a comprehensive dental examination. 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 monitoring as provided by this paragraph.

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

7. Each school district shall adopt procedures for a parent to notify the principal, or his or her designee, regarding concerns under this paragraph at his or her student's school and

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the process for resolving those concerns within 7 calendar days after notification by the parent.

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

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

(I) Request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least 5 years' experience in administrative law. The special magistrate shall determine facts relating to the dispute over the school district procedure or practice, consider information provided by the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the school district. The State Board of Education shall adopt rules, including forms, necessary to implement this subparagraph.

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

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injunctive relief.

c. Each school district shall adopt and post on its website policies to notify parents of the procedures required under this subparagraph.

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

Section 2. Subsection (2) of section 1014.06, Florida Statutes, is amended to read:

1014.06 Parental consent for health care services.—

(2) Except as otherwise provided by law or a court order, a provider, as defined in s. 408.803, may not allow a medical procedure to be performed on a minor child in its facility without first obtaining written parental consent. However, for a student enrolled in a public school in the state, a dental screening included in the preventive dental program listed in s. 381.0056(4)(a)5. may be performed after the minor child's parents have been given written notice of such services and the reasonable opportunity to deny consent or opt their minor child out of such services. For purposes of this subsection, the term "dental screening" means a limited, noninvasive visual inspection of the oral cavity, performed for the purpose of identifying obvious signs of dental disease or abnormality. The term does not include the diagnosis or treatment of a dental disease or abnormality or the use of instruments that penetrate tissue, and may not be construed as a comprehensive dental examination.

Section 3. This act shall take effect July 1, 2026.