

By the Committee on Education Pre-K - 12; and Senator Calatayud

581-02035-26

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A bill to be entitled

An act relating to dental screenings for K-12 students; amending s. 381.0056, F.S.; defining the term "dental screening"; authorizing dental screenings provided under the school health services program to be conducted after written notice and an opportunity for a parent or guardian to opt out; amending s. 1001.42, F.S.; clarifying district school board parent notification requirements for dental screenings; amending s. 1014.06, F.S.; providing that the parental consent requirement does not apply to dental screenings; providing an effective date.

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

Section 1. Present paragraphs (a) through (f) of subsection (2) of section 381.0056, Florida Statutes, are redesignated as paragraphs (b) through (g), respectively, a new paragraph (a) is added to that subsection, and paragraph (g) of subsection (5) and paragraph (e) of subsection (6) of that section are amended, to read:

381.0056 School health services program.-

(2) As used in this section, the term:

(a) "Dental screening" means a limited, noninvasive visual inspection of the mouth and oral cavity 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

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30 examination. A dental screening is not an invasive screening as
31 defined in paragraph (d).

32 (5) A nonpublic school may request to participate in the
33 school health services program. A nonpublic school voluntarily
34 participating in the school health services program shall:

35 (g) At the beginning of each school year, inform parents or
36 guardians in writing that their children who are students in the
37 school will receive specified health services as provided for in
38 the district health services plan. A student will be exempt from
39 any of these services if his or her parent or guardian requests
40 such exemption in writing. A dental screening that is part of
41 the preventive dental program required under subparagraph
42 (4) (a)5. may be provided to a student after the written notice
43 required by this paragraph and a reasonable opportunity for the
44 parent or guardian to request such exemption in writing. This
45 paragraph may shall not be construed to authorize invasive
46 screening; if there is a need for such procedure, the consent of
47 the student's parent or guardian must shall be obtained in
48 writing before prior to performing the screening. However, the
49 laws and rules relating to contagious or communicable diseases
50 and sanitary matters may shall not be violated.

51 (6) The district school board shall:

52 (e) At the beginning of each school year, inform parents or
53 guardians in writing that their children who are students in the
54 district schools will receive specified health services as
55 provided for in the district health services plan. A student
56 will be exempt from any of these services if his or her parent
57 or guardian requests such exemption in writing. A dental
58 screening that is part of the preventive dental program required

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59 under subparagraph (4) (a)5. may be provided to a student after
60 the written notice required by this paragraph and a reasonable
61 opportunity for the parent or guardian to request such exemption
62 in writing. This paragraph may shall not be construed to
63 authorize invasive screening; if there is a need for such
64 procedure, the consent of the student's parent or guardian must
65 shall be obtained in writing before prior to performing the
66 screening. However, the laws and rules relating to contagious or
67 communicable diseases and sanitary matters may shall not be
68 violated.

69 Section 2. Paragraph (c) of subsection (8) of section
70 1001.42, Florida Statutes, is amended to read:

71 1001.42 Powers and duties of district school board.—The
72 district school board, acting as a board, shall exercise all
73 powers and perform all duties listed below:

74 (8) STUDENT WELFARE.—

75 (c)1. In accordance with the rights of parents enumerated
76 in ss. 1002.20 and 1014.04, adopt procedures for notifying a
77 student's parent if there is a change in the student's services
78 or monitoring related to the student's mental, emotional, or
79 physical health or well-being and the school's ability to
80 provide a safe and supportive learning environment for the
81 student. The procedures must reinforce the fundamental right of
82 parents to make decisions regarding the upbringing and control
83 of their children by requiring school district personnel to
84 encourage a student to discuss issues relating to his or her
85 well-being with his or her parent or to facilitate discussion of
86 the issue with the parent. The procedures may not prohibit
87 parents from accessing any of their student's education and

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88 health records created, maintained, or used by the school
89 district, as required by s. 1002.22(2).

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

105 3. Classroom instruction by school personnel or third
106 parties on sexual orientation or gender identity may not occur
107 in prekindergarten through grade 8, except when required by ss.
108 1003.42(2)(o)3. and 1003.46. If such instruction is provided in
109 grades 9 through 12, the instruction must be age-appropriate or
110 developmentally appropriate for students in accordance with
111 state standards. This subparagraph applies to charter schools.

112 4. Student support services training developed or provided
113 by a school district to school district personnel must adhere to
114 student services guidelines, standards, and frameworks
115 established by the Department of Education.

116 5. At the beginning of the school year, each school

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117 district shall notify parents of each health care service
118 offered at their student's school and the option to withhold
119 consent or decline any specific service in accordance with s.
120 1014.06. A dental screening, as defined in s. 381.0056, which is
121 included in the preventive dental program listed in s.

122 381.0056(4)(a)5. may be provided in accordance with s. 381.0056.
123 Parental consent to a health care service does not waive the
124 parent's right to access his or her student's educational or
125 health records or to be notified about a change in his or her
126 student's services or monitoring as provided by this paragraph.

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

132 7. Each school district shall adopt procedures for a parent
133 to notify the principal, or his or her designee, regarding
134 concerns under this paragraph at his or her student's school and
135 the process for resolving those concerns within 7 calendar days
136 after notification by the parent.

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

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

144 (I) Request the Commissioner of Education to appoint a
145 special magistrate who is a member of The Florida Bar in good

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146 standing and who has at least 5 years' experience in
147 administrative law. The special magistrate shall determine facts
148 relating to the dispute over the school district procedure or
149 practice, consider information provided by the school district,
150 and render a recommended decision for resolution to the State
151 Board of Education within 30 days after receipt of the request
152 by the parent. The State Board of Education must approve or
153 reject the recommended decision at its next regularly scheduled
154 meeting that is more than 7 calendar days and no more than 30
155 days after the date the recommended decision is transmitted. The
156 costs of the special magistrate shall be borne by the school
157 district. The State Board of Education shall adopt rules,
158 including forms, necessary to implement this subparagraph.

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

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

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

171 Section 3. Present subsection (5) of section 1014.06,
172 Florida Statutes, is redesignated as subsection (6), and a new
173 subsection (5) is added to that section, to read:

174 1014.06 Parental consent for health care services.—

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175 (5) This section does not apply to a dental screening, as
176 defined in s. 381.0056(2)(a), which is part of the preventive
177 dental program required under s. 381.0056(4)(a)5. and provided
178 in accordance with s. 381.0056.

179 Section 4. This act shall take effect July 1, 2026.