

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 the department
 27 | to review and update, as necessary, specified
 28 | materials by a certain date; requiring school
 29 | districts to notify parents of healthcare services and
 30 | provide opportunity to consent or decline such
 31 | services; requiring school districts to obtain
 32 | parental permission before administering questionnaire
 33 | or health screening form; authorizing a parent to
 34 | bring an action against a school district to obtain a
 35 | declaratory judgment that a school district procedure
 36 | or practice violates certain provisions of law;
 37 | providing for the additional award of injunctive
 38 | relief, damages, and reasonable attorney fees and
 39 | court costs to certain parents; providing an effective
 40 | date.

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

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

46 | 1001.42 Powers and duties of district school board.—The
 47 | district school board, acting as a board, shall exercise all
 48 | powers and perform all duties listed below:

49 | (8) STUDENT WELFARE.—

50 | (c)1. In accordance with the rights of parents enumerated

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

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

76 personnel to withhold such information from a parent if a
77 reasonably prudent person would believe that disclosure would
78 result in abuse, abandonment, or neglect, as those terms are
79 defined in s. 39.01.

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

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

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

97 6. Prior to administering a student well-being
98 questionnaire or health screening form to a student in
99 kindergarten through grade 3, the school district must provide
100 the questionnaire or health screening form to the parent and

101 obtain the permission of the parent.

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

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

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