



538822

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

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



538822

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



538822

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



538822

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