An act relating to parental rights in education; amending s. 1001.42, F.S.; requiring district school boards to adopt procedures that comport with certain provisions of law for notifying a student's parent of specified information; requiring such procedures to reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children in a specified manner; prohibiting the procedures from prohibiting a parent from accessing certain records; providing construction; prohibiting a school district from adopting procedures or student support forms that prohibit school district personnel from notifying a parent about specified information or that encourage or have the effect of encouraging a student to withhold from a parent such information; prohibiting school district personnel from discouraging or prohibiting parental notification and involvement in critical decisions affecting a student's mental, emotional, or physical well-being; providing construction; prohibiting classroom discussion about sexual orientation or gender identity in certain grade levels or in a specified manner; requiring certain training developed or provided by a school district to adhere to standards established by

the Department of Education; requiring school districts to notify parents of healthcare services and provide parents the opportunity to consent or decline such services; providing that a specified parental consent does not wave certain parental rights; requiring school districts to provide parents with certain questionnaires or health screening forms and obtain parental permission before administering such questionnaires and forms; requiring school districts to adopt certain procedures for resolving specified parental concerns; requiring resolution within a specified timeframe; requiring the Commissioner of Education to appoint a special magistrate for unresolved concerns; providing requirements for the special magistrate; requiring the State Board of Education to approve or reject the special magistrate's recommendation within specified timeframe; requiring school districts to bear the costs of the special magistrate; requiring the State Board of Education to adopt rules; providing requirements for such rules; authorizing a parent to bring an action against a school district to obtain a declaratory judgment that a school district procedure or practice violates certain provisions of law; providing for the additional award of injunctive

relief, damages, and reasonable attorney fees and court costs to certain parents; requiring school district to adopt policies to notify parents of certain rights; providing construction; requiring the department to review and update, as necessary, specified materials by a certain date; providing an effective date.

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

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

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

(8) STUDENT WELFARE.—

(c)1. In accordance with the rights of parents enumerated in ss. 1002.20 and 1014.04, adopt procedures for notifying a student's parent if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. The procedures must reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children by requiring school district personnel to

encourage a student to discuss issues relating to his or her well-being with his or her parent or to facilitate discussion of 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 kindergarten through grade 3 or in a manner that is not age-appropriate or developmentally appropriate for students in

accordance with state standards.

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 established by the Department of Education.

5. At the beginning of the school year, each school district shall notify parents of each healthcare 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 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 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

injunctive relief.

c. Each school district shall adopt 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. By June 30, 2023, the Department of Education shall review and update, as necessary, school counseling frameworks and standards; educator practices and professional conduct principles; and any other student services personnel guidelines, standards, or frameworks in accordance with the requirements of this act.

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