

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/CS/HB 1557 — Parental Rights in Education

by Judiciary Committee; Education and Employment Committee; Rep. Harding and others (SB 1834 by Senator Baxley)

The bill (Chapter 2022-22, L.O.F.) reinforces a parent’s fundamental right to make decisions regarding the care and upbringing of his or her child in the public school setting. The bill requires each district school board to adopt procedures for notifying a student’s parent if there is a change in services or monitoring related to the student’s mental, emotional, or physical health or well-being. All procedures adopted under the bill must require school district personnel to encourage a student to discuss issues related to his or her well-being with his or her parent.

The bill prohibits a school district from maintaining procedures that require school district personnel to withhold from a parent, or encourage a student to withhold, information related to a student’s mental, emotional, or physical health or well-being. School district procedures may authorize school district personnel to withhold information only for a reasonable belief that disclosure would subject the student to abuse, abandonment, or neglect.

The bill prohibits classroom instruction on sexual orientation or gender identity in kindergarten through grade 3 or in a manner that is not age-appropriate or developmentally appropriate for students.

At the beginning of each school year, a school district must notify parents of all healthcare services offered at their student’s school and provide parents the opportunity to individually consent to, or decline, each service. Additionally, schools may not administer a well-being questionnaire or health screening form to a student in kindergarten through grade 3 without first receiving consent from the student’s parent.

The bill requires each school district to adopt procedures for a parent to notify the principal of concerns regarding the provisions in the bill, and the process for resolving concerns within seven days of the complaint. The bill specifies that, if the complaint is not resolved by the school district after an additional 30 days, a parent may:

- Request the Commissioner of Education appoint a special magistrate who meets qualifications established in the bill. The special magistrate must recommend a resolution to the State Board of Education (SBE) within 30 days. The SBE must approve or reject the recommendation between 7 and 30 days after the recommendation. The school district must pay the costs of the special magistrate.
- Bring an action against the school district to obtain a declaratory judgment that the school district procedure or practice violates the provision in the bill and seek injunctive relief. A court may award damages and must award reasonable attorney fees and court costs to a parent who receives declaratory or injunctive relief.

The bill requires all school district student support services training to adhere to guidelines, standards, and frameworks established by the Department of Education (DOE). By June 30,

2023, the DOE must review and update, as necessary, all relevant guidelines, standards, and frameworks for compliance with the bill.

These provisions were approved by the Governor and take effect on July 1, 2022.

Vote: Senate 22-17; House 69-47