A bill to be entitled
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; 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 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- 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. A parent of a student may bring an action against a school district to obtain a declaratory judgment that a 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.

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.