

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 require school district personnel
14 to withhold from a parent specified information or
15 that encourage or have the effect of encouraging a
16 student to withhold from a parent such information;
17 providing an exception; prohibiting school district
18 personnel from discouraging or prohibiting parental
19 notification and involvement in critical decisions
20 affecting a student's mental, emotional, or physical
21 well-being; prohibiting a school district from
22 encouraging classroom discussion about sexual
23 orientation or gender identity in primary grade levels
24 or in a specified manner; authorizing a parent to
25 bring an action against a school district to obtain a

26 declaratory judgment that a school district procedure
27 or practice violates certain provisions of law;
28 providing for the additional award of injunctive
29 relief, damages, and reasonable attorney fees and
30 court costs to certain parents; requiring certain
31 training developed or provided by a school district to
32 adhere to standards established by the Department of
33 Education; requiring the department to review and
34 update, as necessary, specified materials by a certain
35 date; providing an effective date.

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

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

41 1001.42 Powers and duties of district school board.—The
42 district school board, acting as a board, shall exercise all
43 powers and perform all duties listed below:

44 (8) STUDENT WELFARE.—

45 (c)1. In accordance with the rights of parents enumerated
46 in ss. 1002.20 and 1014.04, adopt procedures for notifying a
47 student's parent if there is a change in the student's services
48 or monitoring related to the student's mental, emotional, or
49 physical health or well-being and the school's ability to
50 provide a safe and supportive learning environment for the

51 student. The procedures must reinforce the fundamental right of
52 parents to make decisions regarding the upbringing and control
53 of their children by requiring school district personnel to
54 encourage a student to discuss issues relating to his or her
55 well-being with his or her parent or to seek permission to
56 discuss or facilitate discussion of the issue with the parent.
57 The procedures must comply with s. 1002.22(2) and may not
58 prohibit a parent from accessing any of his or her minor child's
59 education records created, maintained, or used by the school
60 district. This paragraph does not limit or alter any obligation
61 of school district personnel to report suspected abuse,
62 abandonment, or neglect, as those terms are defined in s. 39.01.

63 2. A school district may not adopt procedures or student
64 support forms that require school district personnel to withhold
65 from a parent information about his or her student's mental,
66 emotional, or physical health or well-being, or a change in
67 related services or monitoring, or that encourage or have the
68 effect of encouraging a student to withhold from a parent such
69 information, unless a reasonably prudent person would believe
70 that such disclosure would result in abuse, abandonment, or
71 neglect, as those terms are defined in s. 39.01. School district
72 personnel may not discourage or prohibit parental notification
73 of and involvement in critical decisions affecting a student's
74 mental, emotional, or physical health or well-being.

75 3. A school district may not encourage classroom

76 discussion about sexual orientation or gender identity in
77 primary grade levels or in a manner that is not age-appropriate
78 or developmentally appropriate for students.

79 4. A parent of a student may bring an action against a
80 school district to obtain a declaratory judgment that a school
81 district procedure or practice violates this paragraph and seek
82 injunctive relief. A court may award damages and shall award
83 reasonable attorney fees and court costs to a parent who
84 receives declaratory or injunctive relief.

85 5. 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 Section 2. By June 30, 2023, the Department of Education
90 shall review and update, as necessary, school counseling
91 frameworks and standards; educator practices and professional
92 conduct principles; and any other student services personnel
93 guidelines, standards, or frameworks in accordance with the
94 requirements of this act.

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