

By Senator Baxley

12-01508B-22

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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

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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.

36  
37 Be It Enacted by the Legislature of the State of Florida:

38  
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

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

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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.