

ENROLLED

CS/CS/HB 1557, Engrossed 1

2022 Legislature

1  
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 prohibit school district personnel  
14 from notifying a parent about specified information or  
15 that encourage or have the effect of encouraging a  
16 student to withhold from a parent such information;  
17 prohibiting school district personnel from  
18 discouraging or prohibiting parental notification and  
19 involvement in critical decisions affecting a  
20 student's mental, emotional, or physical well-being;  
21 providing construction; prohibiting classroom  
22 discussion about sexual orientation or gender identity  
23 in certain grade levels or in a specified manner;  
24 requiring certain training developed or provided by a  
25 school district to adhere to standards established by

ENROLLED

CS/CS/HB 1557, Engrossed 1

2022 Legislature

26 | the Department of Education; requiring school  
27 | districts to notify parents of healthcare services and  
28 | provide parents the opportunity to consent or decline  
29 | such services; providing that a specified parental  
30 | consent does not wave certain parental rights;  
31 | requiring school districts to provide parents with  
32 | certain questionnaires or health screening forms and  
33 | obtain parental permission before administering such  
34 | questionnaires and forms; requiring school districts  
35 | to adopt certain procedures for resolving specified  
36 | parental concerns; requiring resolution within a  
37 | specified timeframe; requiring the Commissioner of  
38 | Education to appoint a special magistrate for  
39 | unresolved concerns; providing requirements for the  
40 | special magistrate; requiring the State Board of  
41 | Education to approve or reject the special  
42 | magistrate's recommendation within specified  
43 | timeframe; requiring school districts to bear the  
44 | costs of the special magistrate; requiring the State  
45 | Board of Education to adopt rules; providing  
46 | requirements for such rules; authorizing a parent to  
47 | bring an action against a school district to obtain a  
48 | declaratory judgment that a school district procedure  
49 | or practice violates certain provisions of law;  
50 | providing for the additional award of injunctive

ENROLLED

CS/CS/HB 1557, Engrossed 1

2022 Legislature

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

58

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

60

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

63 1001.42 Powers and duties of district school board.—The  
 64 district school board, acting as a board, shall exercise all  
 65 powers and perform all duties listed below:

66 (8) STUDENT WELFARE.—

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

ENROLLED

CS/CS/HB 1557, Engrossed 1

2022 Legislature

76 encourage a student to discuss issues relating to his or her  
77 well-being with his or her parent or to facilitate discussion of  
78 the issue with the parent. The procedures may not prohibit  
79 parents from accessing any of their student's education and  
80 health records created, maintained, or used by the school  
81 district, as required by s. 1002.22(2).

82 2. A school district may not adopt procedures or student  
83 support forms that prohibit school district personnel from  
84 notifying a parent about his or her student's mental, emotional,  
85 or physical health or well-being, or a change in related  
86 services or monitoring, or that encourage or have the effect of  
87 encouraging a student to withhold from a parent such  
88 information. School district personnel may not discourage or  
89 prohibit parental notification of and involvement in critical  
90 decisions affecting a student's mental, emotional, or physical  
91 health or well-being. This subparagraph does not prohibit a  
92 school district from adopting procedures that permit school  
93 personnel to withhold such information from a parent if a  
94 reasonably prudent person would believe that disclosure would  
95 result in abuse, abandonment, or neglect, as those terms are  
96 defined in s. 39.01.

97 3. Classroom instruction by school personnel or third  
98 parties on sexual orientation or gender identity may not occur  
99 in kindergarten through grade 3 or in a manner that is not age-  
100 appropriate or developmentally appropriate for students in

ENROLLED

CS/CS/HB 1557, Engrossed 1

2022 Legislature

101 accordance with state standards.

102 4. Student support services training developed or provided  
103 by a school district to school district personnel must adhere to  
104 student services guidelines, standards, and frameworks  
105 established by the Department of Education.

106 5. At the beginning of the school year, each school  
107 district shall notify parents of each healthcare service offered  
108 at their student's school and the option to withhold consent or  
109 decline any specific service. Parental consent to a health care  
110 service does not waive the parent's right to access his or her  
111 student's educational or health records or to be notified about  
112 a change in his or her student's services or monitoring as  
113 provided by this paragraph.

114 6. Before administering a student well-being questionnaire  
115 or health screening form to a student in kindergarten through  
116 grade 3, the school district must provide the questionnaire or  
117 health screening form to the parent and obtain the permission of  
118 the parent.

119 7. Each school district shall adopt procedures for a  
120 parent to notify the principal, or his or her designee,  
121 regarding concerns under this paragraph at his or her student's  
122 school and the process for resolving those concerns within 7  
123 calendar days after notification by the parent.

124 a. At a minimum, the procedures must require that within  
125 30 days after notification by the parent that the concern

ENROLLED

CS/CS/HB 1557, Engrossed 1

2022 Legislature

126 remains unresolved, the school district must either resolve the  
127 concern or provide a statement of the reasons for not resolving  
128 the concern.

129 b. If a concern is not resolved by the school district, a  
130 parent may:

131 (I) Request the Commissioner of Education to appoint a  
132 special magistrate who is a member of The Florida Bar in good  
133 standing and who has at least 5 years' experience in  
134 administrative law. The special magistrate shall determine facts  
135 relating to the dispute over the school district procedure or  
136 practice, consider information provided by the school district,  
137 and render a recommended decision for resolution to the State  
138 Board of Education within 30 days after receipt of the request  
139 by the parent. The State Board of Education must approve or  
140 reject the recommended decision at its next regularly scheduled  
141 meeting that is more than 7 calendar days and no more than 30  
142 days after the date the recommended decision is transmitted. The  
143 costs of the special magistrate shall be borne by the school  
144 district. The State Board of Education shall adopt rules,  
145 including forms, necessary to implement this subparagraph.

146 (II) Bring an action against the school district to obtain  
147 a declaratory judgment that the school district procedure or  
148 practice violates this paragraph and seek injunctive relief. A  
149 court may award damages and shall award reasonable attorney fees  
150 and court costs to a parent who receives declaratory or

ENROLLED

CS/CS/HB 1557, Engrossed 1

2022 Legislature

151 injunctive relief.

152 c. Each school district shall adopt policies to notify  
153 parents of the procedures required under this subparagraph.

154 d. Nothing contained in this subparagraph shall be  
155 construed to abridge or alter rights of action or remedies in  
156 equity already existing under the common law or general law.

157 Section 2. By June 30, 2023, the Department of Education  
158 shall review and update, as necessary, school counseling  
159 frameworks and standards; educator practices and professional  
160 conduct principles; and any other student services personnel  
161 guidelines, standards, or frameworks in accordance with the  
162 requirements of this act.

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