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MEMORANDUM

TO: School District Superintendents

FROM: Jacob Oliva

DATE: June 6, 2022

SUBJECT: House Bill 1557, Parental Rights in Education, School District Responsibilities

Contact Information:

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DPS: 2022-68

The 2022 Florida Legislature passed House Bill 1557, Parental Rights in Education. Governor Ron DeSantis signed the bill into law on March 28, 2022. It is effective July 1, 2022. The enrolled bill text is available at <https://www.flsenate.gov/Session/Bill/2022/1557>. The purpose of this memorandum is to provide an overview of the bill and inform school districts of new responsibilities and considerations. The bill amends section (s.) 1001.42, Florida Statutes (F.S.), Powers and duties of district school board, on the following:

- Requires district school boards to 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), F.S.
- Provides that school districts 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.

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- School districts may adopt 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, F.S.
- Establishes that 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-appropriate or developmentally appropriate for students in accordance with state standards.
 - This provision takes effect on July 1, 2022, only for kindergarten through grade 3. For other grades, it takes effect only after the Florida Department of Education (Department) develops rules or guidance on age-appropriate and developmentally appropriate instruction.
- Requires each school district, at the beginning of the school year, to notify parents of each health care service offered at their student's school and the option to withhold consent or decline any specific service.
 - Provides that parental consent to a health care service does not waive a 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.
 - Before administering a student well-being questionnaire or health screening form to a student in kindergarten through grade 3, a school district must provide the parent the questionnaire or health screening form and obtain permission of the parent.
- Requires each school district to adopt procedures for a parent to notify the principal, or his or her designee, regarding specific concerns at his or her student's school about practices and procedures under s. 1001.42(8)(c), F.S., and the process for resolving those concerns within seven calendar days after notification by the parent.
- Requires school districts to adopt procedures to resolve concerns that remain unresolved by the principal; requires resolution within 30 days.
- Requires each school district to adopt policies to notify parents of the procedures required if a concern is not resolved by the school district.
- If a concern is not resolved by the school district, a parent may do the following:
 - Request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least five years' experience in administrative law.
 - The special magistrate shall determine facts relating to the dispute over the school district procedure or practice, consider information provided by the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent.
 - The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than seven calendar days and no more than 30 days after the date the recommended decision is transmitted.

- The cost of the special magistrate shall be borne by the school district.
- The State Board of Education shall adopt rules, including forms, necessary for implementation.
- Bring an action against the school district to obtain a declaratory judgement that the school district procedure or practice under s. 1001.42(8)(c), F.S., violates this law 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.
- Directs the Department, by June 30, 2023, to 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 requirements of this law.
 - Requires 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.

The Department will begin the rule development process and information on rule workshops is forthcoming.

Thank you for your attention to the implementation of these important changes.

JO/aw

cc: School District Student Services Directors
School District Health Services Contacts
School District Professional Development Coordinators