

Policy to meet the demands of F.S. 1014.04 (H.B,241(2021) and H.B.1557

1.15 PARENTAL RIGHTS AND STUDENT WELFARE

A. All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from the School Board or any of its agents, employees, or volunteers. Such parental rights are enumerated in Florida Statutes 1002.20, 1042(8), and 1014.04. Those parental rights listed in 1014.04 include, but are not limited to, all of the following rights of a parent of a minor child enrolled as a student in Clay District Schools:

1. The right to direct the education and care of his or her minor child.
2. The right to direct the upbringing and the moral or religious training of his or her minor child.
3. The right, pursuant to s. 1002.20(2)(b) and (6), to apply to enroll his or her minor child in a public school or, as an alternative to public education, a private school, including a religious school, a home education program, or other available options, as authorized by law.
4. The right, pursuant to s. 1002.20(13), to access and review all school records relating to his or her minor child.
5. The right to make health care decisions for his or her minor child, unless otherwise prohibited by law.
6. The right to access and review all medical records of his or her minor child, unless prohibited by law or if the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement agency or official requests that the information not be released.
7. The right to consent in writing before a biometric scan of his or her minor child is made, shared, or stored.
8. The right to consent in writing before any record of his or her minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by general law or authorized pursuant to a court order.

9. The right to consent in writing before the state or any of its political subdivisions makes a video or voice recording of his or her minor child unless such recording is made during or as part of a court proceeding or is made as part of a forensic interview in a criminal or Department of Children and Families investigation or is to be used solely for the following purposes:

(a) A safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;

(b) A purpose related to a legitimate academic or extracurricular activity;

(c) A purpose related to regular classroom instructions;

(d) Security or surveillance of buildings or grounds; or

(e) A photo identification card.

10. The right to be notified promptly if an employee of the state, any of its political subdivisions, any other governmental entity, or any other institution suspects that a criminal offense has been committed against his or her minor child, unless the incident has first been reported to law enforcement or the Department of Children and Families and notifying the parent would impede the investigation.

B. The parental rights listed in F.S.1001.42(8)(c)1 as set forth in Laws of Florida 2022-22 include, but are not limited to, all of the following rights of a parent of a minor child enrolled as a student in Clay District Schools:

1. School District personnel shall notify 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.

2. School District personnel are required 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.

3. 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.

4. School District Policies, Procedures and Student support forms may not 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.

5. The Superintendent of Schools, by and through his designated administrators, shall draft procedures to implement the forgoing policies (1 through 4) by reinforcing the fundamental rights of parents to make decisions regarding the up-bringing and control of their children.

6. Nothing contained in this policy or any procedures drafted to implement this policy shall prohibit School District personnel 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 Florida Statutes.

7. Nothing contained in this policy or any procedures drafted to implement this policy shall prohibit, or be construed to 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).

8. 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.

9. 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.

10. At the beginning of the school year, the 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.

11. 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 to proceed with the administration of the questioning.

12. The Superintendent of Schools, or his designee, shall adopt procedures for a parent to notify the principal, or his or her designee, regarding concerns about the implementation of any part of this entire Policy or its associated procedures at his or her student's school and the process for resolving those concerns within 7 calendar days after notification by the parent.

a. At a minimum, the procedures must require that within 30 days after notification by the parent that the concern remains unresolved, the school district must either resolve the concern or provide a statement of the reasons for not resolving the concern.

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

(1) 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 5 years' experience in administrative law.

The special magistrate shall determine facts relating to the dispute over the school district policy or procedure/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 7 calendar days and no more than 30 days after the date the recommended decision is transmitted.

The costs of the special magistrate shall be borne by the school district.

(2) Bring a legal action against the School Board of Clay County, Florida to obtain a declaratory judgment that the school district procedure/practice violates this Policy and seek injunctive relief.

The court may award damages and shall award reasonable attorney fees and court costs to a parent who receives declaratory or injunctive relief.

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

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

C. As used in this policy, the term “Parent” shall be defined to include a natural or adopted parent, step-parent, legal guardian, state agency appointed as a child’s guardian or any other individual or entity designated by applicable law as “the parent”.

D. Nothing contained in this Policy or in procedures drafted to implement this Policy, shall require any School District personnel to inform a parent of communications between a student and school personnel if it is determined:

1. That the student, after being encouraged 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, indicates an unwillingness or outright refusal to enter into discussion with his/her parents concerning those matters about which the student communicated with School District personnel, and

2. That there is no 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, or

3. Information has been disclosed to the School District personnel by the student or other individual(s) which would cause a reasonably prudent person to believe that disclosure of the communicated information to a parent would result in abuse, abandonment, or neglect, as those terms are defined in s. 39.01 Florida Statutes.

References: Florida Statutes 39.01; 1002.42; 1002.20; 1014.04; Laws of Florida 2022-22; Laws of Florida 2021-199;