

HB 407

2020

1 A bill to be entitled

2 An act relating to the removal of a student for an  
3 involuntary examination; amending ss. 381.0056,  
4 1002.20, and 1002.33, F.S.; revising the requirements  
5 for parental notification prior to removing a student  
6 for an involuntary examination under certain  
7 circumstances; providing an effective date.  
8

9 Be It Enacted by the Legislature of the State of Florida:  
10

11 Section 1. Paragraph (a) of subsection (4) of section  
12 381.0056, Florida Statutes, is amended to read:

13 381.0056 School health services program.—

14 (4) (a) Each county health department shall develop,  
15 jointly with the district school board and the local school  
16 health advisory committee, a school health services plan. The  
17 plan must include, at a minimum, provisions for all of the  
18 following:

- 19 1. Health appraisal;
- 20 2. Records review;
- 21 3. Nurse assessment;
- 22 4. Nutrition assessment;
- 23 5. A preventive dental program;
- 24 6. Vision screening;

- 25           7. Hearing screening;
- 26           8. Scoliosis screening;
- 27           9. Growth and development screening;
- 28           10. Health counseling;
- 29           11. Referral and followup of suspected or confirmed health
- 30 problems by the local county health department;
- 31           12. Meeting emergency health needs in each school;
- 32           13. County health department personnel to assist school
- 33 personnel in health education curriculum development;
- 34           14. Referral of students to appropriate health treatment,
- 35 in cooperation with the private health community whenever
- 36 possible;
- 37           15. Consultation with a student's parent or guardian
- 38 regarding the need for health attention by the family physician,
- 39 dentist, or other specialist when definitive diagnosis or
- 40 treatment is indicated;
- 41           16. Maintenance of records on incidents of health
- 42 problems, corrective measures taken, and such other information
- 43 as may be needed to plan and evaluate health programs; except,
- 44 however, that provisions in the plan for maintenance of health
- 45 records of individual students must be in accordance with s.
- 46 1002.22;
- 47           17. Health information which will be provided by the
- 48 school health nurses, when necessary, regarding the placement of

49 students in exceptional student programs and the reevaluation at  
50 periodic intervals of students placed in such programs;

51 18. Notification to the local nonpublic schools of the  
52 school health services program and the opportunity for  
53 representatives of the local nonpublic schools to participate in  
54 the development of the cooperative health services plan; and

55 19. ~~Immediate~~ Notification to a student's parent,  
56 guardian, or caregiver if the student is removed from school,  
57 school transportation, or a school-sponsored activity and taken  
58 to a receiving facility for an involuntary examination pursuant  
59 to s. 394.463, including the requirements established under ss.  
60 1002.20(3) and 1002.33(9), as applicable. Such notification  
61 shall include:

62 a. Notification prior to the student's removal for an  
63 involuntary examination, if such notification will not cause a  
64 delay that jeopardizes the student's or another individual's  
65 physical or mental health or safety.

66 b. Immediate notification upon the student's removal for  
67 an involuntary examination.

68 Section 2. Paragraph (1) of subsection (3) of section  
69 1002.20, Florida Statutes, is amended to read:

70 1002.20 K-12 student and parent rights.—Parents of public  
71 school students must receive accurate and timely information  
72 regarding their child's academic progress and must be informed

73 of ways they can help their child to succeed in school. K-12  
74 students and their parents are afforded numerous statutory  
75 rights including, but not limited to, the following:

76 (3) HEALTH ISSUES.—

77 (1) Notification of involuntary examinations.—

78 1. The public school principal or the principal's designee  
79 shall immediately notify the parent of a student who is removed  
80 from school, school transportation, or a school-sponsored  
81 activity and taken to a receiving facility for an involuntary  
82 examination pursuant to s. 394.463. In addition, the principal  
83 or the principal's designee shall explain to the parent the  
84 reason or situation that gave rise to such removal. The  
85 principal or the principal's designee may delay notification for  
86 no more than 24 hours after the student is removed if the  
87 principal or designee deems the delay to be in the student's  
88 best interest and if a report has been submitted to the central  
89 abuse hotline, pursuant to s. 39.201, based upon knowledge or  
90 suspicion of abuse, abandonment, or neglect.

91 2. Prior to removal of a student for an involuntary  
92 examination, the principal or the principal's designee shall  
93 notify the parent, if such notification will not cause a delay  
94 that jeopardizes the student's or another individual's physical  
95 or mental health or safety. However, the principal or the  
96 principal's designee may omit notification prior to removal if

97 the principal or designee deems it to be in the student's best  
98 interest and if a report has been submitted to the central abuse  
99 hotline, pursuant to s. 39.201, based upon knowledge or  
100 suspicion of abuse, abandonment, or neglect.

101 3. Each district school board shall develop a policy and  
102 procedures for notification under this paragraph.

103 Section 3. Paragraph (q) of subsection (9) of section  
104 1002.33, Florida Statutes, is amended to read:

105 1002.33 Charter schools.—

106 (9) CHARTER SCHOOL REQUIREMENTS.—

107 (q)1. The charter school principal or the principal's  
108 designee shall immediately notify the parent of a student who is  
109 removed from school, school transportation, or a school-  
110 sponsored activity and taken to a receiving facility for an  
111 involuntary examination pursuant to s. 394.463. In addition, the  
112 principal or the principal's designee shall explain to the  
113 parent the reason or situation that gave rise to such removal.

114 The principal or the principal's designee may delay notification  
115 for no more than 24 hours after the student is removed if the  
116 principal or designee deems the delay to be in the student's  
117 best interest and if a report has been submitted to the central  
118 abuse hotline, pursuant to s. 39.201, based upon knowledge or  
119 suspicion of abuse, abandonment, or neglect.

120 2. Prior to removal of a student for an involuntary

121 examination, the principal or the principal's designee shall  
122 notify the parent, if such notification will not cause a delay  
123 that jeopardizes the student's or another individual's physical  
124 or mental health or safety. However, the principal or the  
125 principal's designee may omit notification prior to removal if  
126 the principal or designee deems it to be in the student's best  
127 interest and if a report has been submitted to the central abuse  
128 hotline, pursuant to s. 39.201, based upon knowledge or  
129 suspicion of abuse, abandonment, or neglect.

130 3. Each charter school governing board shall develop a  
131 policy and procedures for notification under this paragraph.

132 Section 4. This act shall take effect July 1, 2020.