

HB354 INTRODUCED



1 MTRR11-1

2 By Representatives Butler, Stadthagen, Gidley, Lamb, Shirey,

3 Lipscomb, Givens, Sells, Mooney, Bolton

4 RFD: Education Policy

5 First Read: 20-Apr-23

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SYNOPSIS:

Under existing law, classroom instructions or discussions may not be provided to public school students in kindergarten through fifth grade in a manner that is not age or developmentally appropriate.

This bill would provide that classroom instruction or discussions related to gender identity or sexual orientation may not be provided to public school students in kindergarten through eighth grade or to public school students in a manner that is not age or developmentally appropriate.

This bill would require the State Board of Education to adopt procedures for notifying a student's parent if there is a change in the student's services or monitoring relating to the student's mental, emotional, or physical health, and would prohibit local boards of education from adopting policies to the contrary.

This bill would require each local board of education, at the beginning of each school year, to notify parents of the health care services available to students, and allow parents to opt their child out of any health care service.

This bill would provide that a local board of education shall obtain a parent's permission before



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29 administering certain health screenings or
30 questionnaires to a student.

31 This bill would also provide that, if a parent
32 is concerned with his or her child's school as it
33 pertains to this bill, he or she may notify the
34 principal of the concern and, if the concern is not
35 resolved, seek the appointment of a special magistrate
36 appointed by the State Superintendent of Education to
37 recommend a resolution to the issue or bring a cause of
38 action against the local board of education.

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A BILL

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TO BE ENTITLED

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AN ACT

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46 Relating to education; to amend Section 2 of Act
47 2022-290, now appearing as Section 16-40A-5, Code of Alabama
48 1975; to prohibit classroom instruction related to gender
49 identity or sexual orientation in public K-12 schools at
50 certain grade levels and in any grade level in a manner that
51 is not age or developmentally appropriate; to require parents
52 to be notified if there is a change in services or monitoring
53 relating to his or her child's mental, emotional, or physical
54 health; to require parents to be notified of health care
55 services available to students and to allow a parent to opt
56 his or her child out; to require parental consent for certain



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57 health care screenings or questionnaires for K-12 students; to
58 provide parents with procedures to express their concern with
59 a local board of education's compliance with certain policies;
60 and to provide a remedy in certain situations.

61 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

62 Section 1. (a) The State Board of Education by rule
63 shall adopt procedures for notifying a student's parent if
64 there is a change in the student's services or monitoring
65 related to the student's mental, emotional, or physical health
66 or well-being and a change in the school's ability to provide
67 a safe and supportive learning environment for the student.
68 The procedures must reinforce the fundamental rights of
69 parents to make decisions regarding the upbringing and control
70 of their children by requiring school district personnel to
71 encourage a student to discuss issues relating to his or her
72 well-being with his or her parent or to facilitate discussion
73 of the issue with the parent. The procedures may not prohibit
74 parents from accessing any of their child's education and
75 health records created, maintained, or used by the school
76 district.

77 (b) At the beginning of each school year, each local
78 board of education shall notify parents of each health care
79 service offered at their child's school and the option to
80 withhold consent to or decline any specific service. Parental
81 consent to a health care service does not waive the parent's
82 right to access his or her child's health records or to be
83 notified about a change in his or her child's services or
84 monitoring as provided by this section.



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85 (c) Before administering any student well-being
86 questionnaire or health screening form to a student in
87 kindergarten through eighth grade, a local board of education
88 shall provide the questionnaire or health screening form to
89 the student's parent and obtain the permission of the parent
90 to administer the questionnaire or form.

91 (d) A local board of education may not adopt procedures
92 that prohibit school employees from notifying a parent about
93 his or her child's mental, emotional, or physical health or
94 well-being, or a change in related services or monitoring, or
95 that encourage or have the effect of encouraging a student to
96 withhold from a parent such information. School employees may
97 not discourage or prohibit parental notification of and
98 involvement in critical decisions affecting a student's
99 mental, emotional, or physical health or well-being.

100 (e) Each local board of education shall adopt
101 procedures for a parent to notify the principal, or his or her
102 designee, regarding concerns under this section or Section
103 16-40A-5, Code of Alabama 1975, at his or her child's school
104 and the process for resolving those concerns within seven
105 calendar days after notification by the parent.

106 (1) At a minimum, the procedures must require that
107 within 30 days after notification by the parent that the
108 concern remains unresolved, the local board of education must
109 either resolve the concern or provide a statement of the
110 reasons for not resolving the concern.

111 (2) If a concern is not resolved by the school
112 district, a parent may:



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113 a. Request the State Superintendent of Education to
114 appoint a special magistrate who is a member of the Alabama
115 State Bar in good standing and who has at least five years of
116 experience in administrative law. The special magistrate shall
117 determine facts relating to the dispute over the school
118 district procedure or practice, consider information provided
119 by the school district, and render a recommended decision for
120 resolution to the State Board of Education within 30 days
121 after receipt of the request by the parent. The State Board of
122 Education shall approve or reject the recommended decision at
123 its next regularly scheduled meeting that is more than seven
124 calendar days and no more than 30 days after the date the
125 recommended decision is transmitted. The costs of the special
126 magistrate shall be borne by the school district. The State
127 Board of Education shall adopt rules, including forms,
128 necessary to implement this subsection.

129 b. Bring an action against the local board of education
130 to obtain a declaratory judgment that the local board of
131 education procedure or practice violates this act and seek
132 injunctive relief. A court may award damages and shall award
133 reasonable attorney fees and court costs to a parent who
134 receives declaratory or injunctive relief.

135 (3) Each local board of education shall adopt policies
136 to notify parents of the procedures available under this
137 section.

138 Section 2. Section 2 of Act 2022-290, now appearing as
139 Section 16-40A-5, Code of Alabama 1975, is amended to read as
140 follows:



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141 "§16-40A-5

142 (a) An individual or group of individuals providing
143 classroom instruction to students ~~in kindergarten through the~~
144 ~~fifth grade~~ at a public K-12 school shall not engage in
145 classroom discussion or provide classroom instruction
146 regarding sexual orientation or gender identity to students in
147 kindergarten through the eighth grade or in a manner that is
148 not age appropriate or developmentally appropriate for
149 students in accordance with state standards.

150 (b) The State Board of Education shall adopt rules for
151 the implementation and enforcement of this section."

152 Section 3. This act shall become effective on the first
153 day of the third month following its passage and approval by
154 the Governor, or its otherwise becoming law.