Senate Engrossed

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1392

AN ACT

AMENDING TITLE 1, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 6; RELATING TO PARENTS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 1, Arizona Revised Statutes, is amended by adding chapter 6, to read:

CHAPTER 6

PARENTS' RIGHTS

ARTICLE 1. PARENTS' BILL OF RIGHTS

1-601. Parents' bill of rights; grievance procedures; exceptions; definitions

A. PARENTS AND LEGAL GUARDIANS HAVE INALIENABLE RIGHTS THAT ARE MORE COMPREHENSIVE THAN LISTED IN THIS SECTION. THIS SECTION DOES NOT PRESCRIBE ALL PARENTS' AND LEGAL GUARDIANS' RIGHTS, AND THIS SECTION DOES NOT LIMIT A PARENT'S OR A LEGAL GUARDIAN'S RIGHTS IN ANY MANNER.

B. THE FOLLOWING RIGHTS ARE RESERVED TO A PARENT OR LEGAL GUARDIAN OF A MINOR CHILD WITHOUT OBSTRUCTION OR INTERFERENCE FROM ANY GOVERNMENTAL ENTITY OR FROM ANY EMPLOYEE OF A GOVERNMENTAL ENTITY:

1. THE EDUCATION OF THE MINOR CHILD, INCLUDING THE RIGHT TO ACCESS AND REVIEW THE FOLLOWING:

(a) ATTENDANCE RECORDS.

(b) TEST SCORES.

(c) GRADES.

(d) DISCIPLINARY RECORDS.

(e) COUNSELING RECORDS.

(f) PSYCHOLOGICAL RECORDS.

(g) APPLICATIONS FOR ADMISSION.

(h) HEALTH AND IMMUNIZATION INFORMATION.

(i) EVALUATIONS OF THE CHILD BY TEACHERS AND COUNSELORS.

(j) THE CONTENT OF THE CHILD'S COURSE OF STUDY.

(k) REPORTS OF BEHAVIOR PATTERNS.

2. THE UPBRINGING OF THE MINOR CHILD.

3. DISCIPLINE OF THE MINOR CHILD.

4. THE MORAL OR RELIGIOUS TRAINING OF THE MINOR CHILD.

5. HEALTH CARE DECISIONS FOR THE MINOR CHILD, INCLUDING DECISIONS RELATING TO MENTAL HEALTH AND IMMUNIZATIONS. A PARENT OR LEGAL GUARDIAN OF A MINOR CHILD HAS THE RIGHT TO BE FULLY INFORMED OF ALL MEDICAL INFORMATION CONCERNING THE MINOR CHILD AND SHALL HAVE FULL ACCESS TO ALL MEDICAL RECORDS OF THE MINOR CHILD. A PARENT OR LEGAL GUARDIAN OF A MINOR CHILD HAS THE RIGHT TO MAKE MEDICAL DECISIONS FOR A MINOR CHILD, INCLUDING WHETHER OR NOT TO CONDUCT A MEDICAL PROCEDURE, A MENTAL HEALTH PROCEDURE OR AN IMMUNIZATION BEFORE THE MEDICAL PROCEDURE, MENTAL HEALTH PROCEDURE OR IMMUNIZATION IS CONDUCTED.

C. A PARENT OR LEGAL GUARDIAN OF A MINOR CHILD HAS THE RIGHT TO:

1. CONSENT IN WRITING BEFORE ANY BIOMETRIC SCAN OF A MINOR CHILD IS MADE.

2. CONSENT IN WRITING BEFORE MENTAL HEALTH SCREENING OF THE MINOR CHILD.

3. CONSENT IN WRITING BEFORE IMMUNIZATION OF A MINOR CHILD.

4. PETITION TO ALLOW THE MINOR CHILD TO ATTEND ANOTHER SCHOOL, PROGRAM OR CLASS.

5. REASONABLE ACCESS TO REQUEST THE REASSIGNMENT OF THE MINOR CHILD TO ANOTHER CLASS OR TEACHER UNLESS THE REASSIGNMENT WOULD ADVERSELY AFFECT THE ASSIGNMENT OR REASSIGNMENT OF ANOTHER CHILD.

6. REQUEST, WITH THE EXPECTATION THAT THE REQUEST WILL NOT BE UNREASONABLY DENIED, THAT THE MINOR CHILD BE PERMITTED TO GRADUATE EARLY FROM HIGH SCHOOL IF THE CHILD MEETS THE GRADUATION REQUIREMENTS PRESCRIBED IN SECTION 15-701.01. A CHILD WHO IS PERMITTED TO GRADUATE EARLY AS PRESCRIBED IN THIS PARAGRAPH SHALL BE PERMITTED TO PARTICIPATE IN GRADUATION CEREMONIES AT THE TIME THAT THE CHILD GRADUATES FROM HIGH SCHOOL.

D. A GOVERNMENTAL ENTITY SHALL OBTAIN THE WRITTEN CONSENT OF A MINOR CHILD'S PARENT OR LEGAL GUARDIAN BEFORE A VIDEO OR VOICE RECORDING OF ANY MINOR CHILD IS MADE. PRIOR WRITTEN CONSENT OF THE CHILD'S PARENT OR LEGAL GUARDIAN IS NOT REQUIRED TO MAKE A VIDEO OR VOICE RECORDING OF A CHILD IF THE VIDEO OR VOICE RECORDING IS TO BE USED SOLELY FOR ANY OF THE FOLLOWING PURPOSES:

1. SAFETY DEMONSTRATIONS, INCLUDING THE MAINTENANCE OF ORDER AND DISCIPLINE IN THE COMMON AREAS OF A SCHOOL OR ON PUPIL TRANSPORTATION VEHICLES.

2. A PURPOSE RELATED TO A LEGITIMATE ACADEMIC OR EXTRACURRICULAR ACTIVITY.

3. A PURPOSE RELATED TO REGULAR CLASSROOM INSTRUCTION.

4. SECURITY OR SURVEILLANCE OF BUILDINGS OR GROUNDS.

5. A PHOTO IDENTIFICATION CARD.

E. A GOVERNMENTAL ENTITY SHALL NOT USE OR THREATEN TO USE THE REFUSAL OF A PARENT OR LEGAL GUARDIAN OF A MINOR CHILD TO ADMINISTER OR CONSENT TO THE ADMINISTRATION OF ANY MEDICATION AS THE SOLE BASIS FOR MAKING A REPORT FOR NEGLECT OF THE CHILD UNLESS THE GOVERNMENTAL ENTITY HAS A DUTY TO REPORT PURSUANT TO SECTION 13-3620. THIS SUBSECTION SHALL NOT BE CONSTRUED TO PERMIT A PARENT OR LEGAL GUARDIAN TO ABUSE OR NEGLECT A CHILD IN VIOLATION OF THE LAWS OF THIS STATE.

F. ANY ATTEMPT TO ENCOURAGE OR COERCE A MINOR CHILD TO WITHHOLD INFORMATION FROM THE CHILD'S PARENT OR LEGAL GUARDIAN SHALL BE GROUNDS FOR DISCIPLINE OF AN EMPLOYEE OF A SCHOOL DISTRICT, CHARTER SCHOOL, COMMUNITY COLLEGE UNDER THE JURISDICTION OF A COMMUNITY COLLEGE DISTRICT OR UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS.

G. UNLESS OTHERWISE PROVIDED BY FEDERAL LAW OR BY OTHER STATE LAW, THE RIGHTS OF PARENTS OR LEGAL GUARDIANS OF MINOR CHILDREN SHALL NOT BE LIMITED OR DENIED.

H. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE OR ALLOW PARENTS OR LEGAL GUARDIANS OF MINOR CHILDREN TO ENGAGE IN CONDUCT THAT IS UNLAWFUL UNDER THE LAWS OF THIS STATE.

I. UNLESS THE NOTIFICATION WOULD IMPEDE A LAW ENFORCEMENT OR CHILD PROTECTIVE SERVICES INVESTIGATION, A GOVERNMENTAL ENTITY SHALL PROMPTLY NOTIFY THE PARENT OR LEGAL GUARDIAN OF A MINOR CHILD IF AN EMPLOYEE OF A GOVERNMENTAL ENTITY SUSPECTS THAT THE MINOR CHILD HAS BEEN ABUSED OR NEGLECTED IN VIOLATION OF THE LAWS OF THIS STATE OR IF THE EMPLOYEE SUSPECTS THAT A CRIMINAL OFFENSE HAS BEEN COMMITTED AGAINST THE CHILD.

J. EACH GOVERNMENTAL ENTITY SHALL DEVELOP GRIEVANCE PROCEDURES TO ADDRESS COMPLAINTS RECEIVED CONCERNING VIOLATIONS OF PARENTS' RIGHTS LISTED IN THIS SECTION.

K. NOTHING IN THIS SECTION APPLIES TO LAW ENFORCEMENT OFFICERS WHO ARE ACTING IN THEIR OFFICIAL CAPACITY WITHIN THE SCOPE OF THEIR AUTHORITY AND IN THE LINE OF DUTY.

L. FOR THE PURPOSES OF THIS SECTION:

1. "BIOMETRIC SCAN"

(a) MEANS THE ELECTRONIC MEASUREMENT AND EVALUATION OF ANY PHYSICAL CHARACTERISTICS THAT ARE ATTRIBUTABLE TO A SINGLE PERSON, INCLUDING FINGERPRINT CHARACTERISTICS, EYE CHARACTERISTICS, HAND CHARACTERISTICS, VOCAL CHARACTERISTICS, FACIAL CHARACTERISTICS, DNA CHARACTERISTICS AND ANY OTHER PHYSICAL CHARACTERISTICS USED FOR THE PURPOSE OF ELECTRONICALLY IDENTIFYING THAT PERSON WITH A HIGH DEGREE OF CERTAINTY.

(b) INCLUDES VIDEO RECORDINGS OF PUPILS.

2. "GOVERNMENTAL ENTITY" MEANS ANY CITY, TOWN, COUNTY, SCHOOL DISTRICT, COMMUNITY COLLEGE DISTRICT OR OTHER POLITICAL SUBDIVISION OF THIS STATE, ANY PUBLIC UNIVERSITY, ANY COURT AND ANY AGENCY OR DEPARTMENT OF THIS STATE.

Sec. 2. Short title

This act may be cited as the "Parents' Bill of Rights Act".