

COMMITTEE ON GOVERNMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1375

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

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

4 CHAPTER 6

5 PARENTS' RIGHTS

6 ARTICLE 1. PARENTS' BILL OF RIGHTS

7 1-601. Parents' bill of rights; grievance procedures;
8 exceptions; definitions

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

13 B. THE FOLLOWING RIGHTS ARE RESERVED TO A PARENT OR LEGAL GUARDIAN OF
14 A MINOR CHILD WITHOUT OBSTRUCTION OR INTERFERENCE FROM THIS STATE, ANY
15 POLITICAL SUBDIVISION OF THIS STATE, ANY OTHER GOVERNMENTAL ENTITY OR OTHER
16 INSTITUTION OR ANY EMPLOYEE OF THIS STATE, ANY POLITICAL SUBDIVISION OF THIS
17 STATE OR ANY OTHER GOVERNMENTAL ENTITY OR OTHER INSTITUTION:

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

- 20 (a) ATTENDANCE RECORDS.
- 21 (b) TEST SCORES.
- 22 (c) GRADES.
- 23 (d) DISCIPLINARY RECORDS.
- 24 (e) COUNSELING RECORDS.
- 25 (f) PSYCHOLOGICAL RECORDS.
- 26 (g) APPLICATIONS FOR ADMISSION.
- 27 (h) HEALTH AND IMMUNIZATION INFORMATION.
- 28 (i) EVALUATIONS OF THE CHILD.
- 29 (j) THE CONTENT OF THE CHILD'S COURSE OF STUDY.
- 30 (k) REPORTS OF BEHAVIOR PATTERNS.

1 2. THE UPBRINGING OF THE MINOR CHILD.

2 3. DISCIPLINE OF THE MINOR CHILD.

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

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

13 C. A PARENT OR LEGAL GUARDIAN OF A MINOR CHILD HAS THE RIGHT TO
14 CONSENT IN WRITING BEFORE:

15 1. ANY BIOMETRIC SCAN OF A MINOR CHILD IS MADE.

16 2. ANY MENTAL HEALTH SCREENING OF THE MINOR CHILD.

17 3. ANY IMMUNIZATION OR OTHER MEDICAL PROCEDURE OF A MINOR CHILD.

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

19 1. PETITION TO ALLOW THE MINOR CHILD TO ATTEND ANOTHER SCHOOL, PROGRAM
20 OR CLASS.

21 2. REASONABLE ACCESS TO REQUEST THE REASSIGNMENT OF THE MINOR CHILD TO
22 ANOTHER CLASS OR TEACHER UNLESS THE REASSIGNMENT WOULD ADVERSELY AFFECT THE
23 ASSIGNMENT OR REASSIGNMENT OF ANOTHER CHILD.

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

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

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

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

6 3. A PURPOSE RELATED TO REGULAR CLASSROOM INSTRUCTION.

7 4. SECURITY OR SURVEILLANCE OF BUILDINGS OR GROUNDS.

8 5. A PHOTO IDENTIFICATION CARD. THE EXCLUSION PRESCRIBED IN THIS
9 PARAGRAPH DOES NOT INCLUDE BIOMETRIC INFORMATION.

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

17 G. A MINOR CHILD'S BLOOD OR DEOXYRIBONUCLEIC ACID OR SPECIFIC
18 INFORMATION ABOUT A MINOR CHILD'S BLOOD OR DEOXYRIBONUCLEIC ACID SHALL NOT BE
19 STORED, USED OR SHARED WITHOUT THE PRIOR WRITTEN CONSENT OF THE PARENT OR
20 LEGAL GUARDIAN OF THE MINOR CHILD.

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

24 I. THIS SECTION SHALL NOT BE CONSTRUED TO:

25 1. AUTHORIZE OR ALLOW MINOR CHILDREN, THEIR PARENTS OR LEGAL GUARDIANS
26 TO ENGAGE IN CONDUCT THAT IS UNLAWFUL.

27 2. VIOLATE THE CONSTITUTIONAL RIGHTS OF ANY PERSON.

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

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

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

7 M. FOR THE PURPOSES OF THIS SECTION:

8 1. "BIOMETRIC SCAN":

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

15 (b) INCLUDES VIDEO RECORDINGS OF PUPILS.

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

20 Sec. 2. Short title

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

22 Sec. 3. Emergency

23 This act is an emergency measure that is necessary to preserve the
24 public peace, health or safety and is operative immediately as provided by
25 law."

26 Amend title to conform

and, as so amended, it do pass

SAMUEL T. CRUMP, SR.
Chairman

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6/23/09
H:jmb