

REFERENCE TITLE: parents' rights; education; health; discipline

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2628

Introduced by
Representatives Gowan, Stevens: Goodale, Montenegro, Pratt, Weiers JP

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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; exceptions; grievance
8 procedures; 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 ANY GOVERNMENTAL
15 ENTITY OR FROM ANY EMPLOYEE OF A GOVERNMENTAL ENTITY:

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

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

29 2. THE UPBRINGING OF THE MINOR CHILD.

30 3. DISCIPLINE OF THE MINOR CHILD.

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

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

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

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

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

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

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

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

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

13 7. ADDRESS THE JUDGE, MAGISTRATE, JUSTICE OF THE PEACE, ADMINISTRATIVE
14 LAW JUDGE OR HEARING OFFICER IN ANY CIVIL, CRIMINAL OR ADMINISTRATIVE
15 PROCEEDING INVOLVING THE MINOR CHILD.

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

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

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

27 3. A PURPOSE RELATED TO REGULAR CLASSROOM INSTRUCTION.

28 4. SECURITY OR SURVEILLANCE OF BUILDINGS OR GROUNDS.

29 5. A PHOTO IDENTIFICATION CARD.

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

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

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

1 H. THIS SECTION SHALL NOT BE CONSTRUED TO AUTHORIZE OR ALLOW PARENTS
2 OR LEGAL GUARDIANS OF MINOR CHILDREN TO ENGAGE IN CONDUCT THAT IS UNLAWFUL
3 UNDER THE LAWS OF THIS STATE.

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

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

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

16 L. FOR THE PURPOSES OF THIS SECTION:

17 1. "BIOMETRIC SCAN":

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

24 (b) INCLUDES VIDEO RECORDINGS OF PUPILS.

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

29 Sec. 2. Short title

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