

House Engrossed

parental rights; schools; educational records

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2161

AN ACT

AMENDING SECTIONS 1-602, 15-102 AND 15-117, ARIZONA REVISED STATUTES;
AMENDING TITLE 15, CHAPTER 1, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-143; RELATING TO PARENTAL RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 1-602, Arizona Revised Statutes, is amended to
3 read:
4 1-602. Parents' bill of rights; governmental interference
5 restricted; burden of proof; definition
6 A. All parental rights are EXCLUSIVELY reserved to a parent of a
7 minor child without obstruction or interference from this state, any
8 political subdivision of this state, any other governmental entity or any
9 other institution, including:
10 1. The right to direct the education of the minor child.
11 2. All rights of parents identified in title 15, including the
12 right to access and review all records relating to the minor child.
13 3. The right to direct the upbringing of the minor child.
14 4. The right to direct the moral or religious training of the minor
15 child.
16 5. The right to make ALL health care decisions for the minor child,
17 including rights pursuant to sections 15-873, 36-2271 and 36-2272, unless
18 otherwise prohibited by law. A HEALTH CARE ENTITY SHALL GIVE A PARENT
19 EQUIVALENT ACCESS TO ANY ELECTRONIC PORTAL AND ANY OTHER HEALTH CARE
20 DELIVERY PLATFORM THROUGHOUT THE MINORITY OF THE PARENT'S CHILD.
21 6. The right to access and review all WRITTEN AND ELECTRONIC
22 medical records of the minor child unless otherwise prohibited by law or
23 UNLESS the parent is the subject of an investigation of a crime committed
24 against the minor child and a law enforcement official requests that the
25 information not be released. THIS RIGHT INCLUDES ACCESS TO WRITTEN AND
26 ELECTRONIC MEDICAL RECORDS FOR SERVICES NOT REQUIRING PARENTAL CONSENT,
27 INCLUDING THOSE DESCRIBED IN SECTIONS 36-2152, 36-2271, 36-2272,
28 44-132.01, 44-133 AND 44-133.01.
29 7. The right to consent in writing before a biometric scan of the
30 minor child is made pursuant to section 15-109.
31 8. The right to consent in writing before any record of the minor
32 child's blood or deoxyribonucleic acid is created, stored or shared,
33 except as required by section 36-694, or before any genetic testing is
34 conducted on the minor child pursuant to section 12-2803 unless authorized
35 pursuant to section 13-610 or a court order.
36 9. The right to consent in writing before ~~the~~ THIS state or any of
37 its political subdivisions makes a video or voice recording of the minor
38 child, unless the video or voice recording is made during or as a part of
39 a court proceeding, by law enforcement officers during or as part of a law
40 enforcement investigation, during or as part of an interview in a criminal
41 or child safety services investigation or to be used solely for any of the
42 following:
43 (a) Safety demonstrations, including the maintenance of order and
44 discipline in the common areas of a school or on pupil transportation
45 vehicles.

1 (b) A purpose related to a legitimate academic or extracurricular
2 activity.

3 (c) A purpose related to regular classroom instruction.

4 (d) Security or surveillance of buildings or grounds.

5 (e) A photo identification card.

6 10. The right to be notified promptly if an employee of this state,
7 any political subdivision of this state, any other governmental entity or
8 any other institution suspects that a criminal offense has been committed
9 against the minor child by someone other than a parent, unless the
10 incident has first been reported to law enforcement and ~~notification of~~
11 ~~NOTIFYING~~ the parent would impede a law enforcement or child safety
12 services investigation. This paragraph does not create any new obligation
13 for school districts and charter schools to report misconduct between
14 students at school, such as fighting or aggressive play, that is routinely
15 addressed as a student disciplinary matter by the school.

16 11. The right to obtain information about a child safety services
17 investigation involving the parent pursuant to section 8-807.

18 B. This section does not authorize or allow a parent to engage in
19 conduct that is unlawful or to abuse or neglect a child in violation of
20 the laws of this state. This section does not prohibit courts, law
21 enforcement officers or employees of a government agency responsible for
22 child welfare from acting in their official capacity within the scope of
23 their authority. This section does not prohibit a court from issuing an
24 order that is otherwise ~~permitted~~ ~~ALLOWED~~ by law.

25 C. Any attempt to encourage or coerce a minor child to withhold
26 information from the child's parent ~~shall be~~ IS grounds for discipline of
27 an employee of this state, any political subdivision of this state, ~~or~~ any
28 other governmental entity ~~OR ANY OTHER INSTITUTION~~, except for law
29 enforcement personnel. ~~AN EMPLOYEE OF THIS STATE, ANY POLITICAL~~
30 ~~SUBDIVISION OF THIS STATE, ANY OTHER GOVERNMENTAL ENTITY OR ANY OTHER~~
31 ~~INSTITUTION SHALL NOT WITHHOLD FROM A MINOR CHILD'S PARENT ANY INFORMATION~~
32 ~~THAT IS RELEVANT TO THE PHYSICAL, EMOTIONAL OR MENTAL HEALTH OF THE~~
33 ~~PARENT'S CHILD UNLESS THE INFORMATION IS SUBJECT TO REPORT PURSUANT TO~~
34 ~~SECTION 13-3620. IN ADDITION TO ANY OTHER REMEDIES PROVIDED TO PARENTS~~
35 ~~UNDER THIS CHAPTER, CONDUCT IN VIOLATION OF THIS SUBSECTION IS GROUNDS FOR~~
36 ~~DISCIPLINE OF THE EMPLOYEE.~~

37 D. Unless those rights have been legally waived or legally
38 terminated, parents have inalienable rights that are more comprehensive
39 than those listed in this section. This chapter does not prescribe all
40 rights of parents ~~OR PREEMPT OR FORECLOSE CLAIMS OR REMEDIES IN SUPPORT OF~~
41 ~~PARENTAL RIGHTS THAT ARE AVAILABLE UNDER THE CONSTITUTION, STATUTES OR~~
42 ~~COMMON LAW OF THIS STATE.~~ Unless otherwise required by law, the rights of
43 parents of minor children shall not be limited or denied.

1 E. EXCEPT AS PRESCRIBED IN SUBSECTIONS F AND G OF THIS SECTION,
2 THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE OR ANY OTHER
3 GOVERNMENTAL ENTITY, OR ANY OFFICIAL OF THIS STATE, A POLITICAL
4 SUBDIVISION OF THIS STATE OR ANY OTHER GOVERNMENTAL ENTITY ACTING UNDER
5 COLOR OF LAW, SHALL NOT INTERFERE WITH OR USURP THE FUNDAMENTAL RIGHT OF
6 PARENTS TO DIRECT THE UPBRINGING, EDUCATION, HEALTH CARE AND MENTAL HEALTH
7 OF THEIR CHILDREN. A PARENT MAY BRING SUIT AGAINST A GOVERNMENTAL ENTITY
8 OR OFFICIAL DESCRIBED IN THIS SUBSECTION BASED ON ANY VIOLATION OF THE
9 STATUTORY RIGHTS SET FORTH IN THIS CHAPTER OR ANY OTHER ACTION THAT
10 INTERFERES WITH OR USURPS THE FUNDAMENTAL RIGHT OF PARENTS TO DIRECT THE
11 UPBRINGING, EDUCATION, HEALTH CARE AND MENTAL HEALTH OF THEIR CHILDREN IN
12 THE SUPERIOR COURT IN THE COUNTY IN WHICH THE VIOLATION OR OTHER ACTION
13 OCCURS OR IN FEDERAL COURT, IF AUTHORIZED BY FEDERAL LAW, OR BEFORE AN
14 ADMINISTRATIVE TRIBUNAL OF APPROPRIATE JURISDICTION. A PARENT MAY RAISE A
15 VIOLATION OF THIS CHAPTER AS A CLAIM OR A DEFENSE.

16 F. IN ANY ACTION UNDER SUBSECTION E OF THIS SECTION, THE
17 GOVERNMENTAL ENTITY OR OFFICIAL DESCRIBED IN SUBSECTION E OF THIS SECTION
18 HAS THE BURDEN OF PROOF TO DEMONSTRATE BOTH OF THE FOLLOWING:

19 1. THAT THE INTERFERENCE OR USURPATION IS ESSENTIAL TO ACCOMPLISH A
20 COMPELLING GOVERNMENT INTEREST OF THE HIGHEST ORDER, AS LONG RECOGNIZED IN
21 THE HISTORY AND TRADITIONS OF THIS STATE IN THE OPERATION OF ITS
22 REGULATORY POWERS.

23 2. THE METHOD OF INTERFERENCE OR USURPATION USED BY THE GOVERNMENT
24 IS NARROWLY TAILORED AND IS NOT OTHERWISE SERVED BY A LESS RESTRICTIVE
25 MEANS.

26 G. A GOVERNMENTAL ENTITY OR OFFICIAL DESCRIBED IN SUBSECTION E OF
27 THIS SECTION MAY INTERFERE WITH OR USURP THE FUNDAMENTAL RIGHT OF PARENTS
28 TO DIRECT THE UPBRINGING, EDUCATION, HEALTH CARE AND MENTAL HEALTH OF
29 THEIR CHILDREN ONLY IF THE GOVERNMENTAL ENTITY OR OFFICIAL SUCCESSFULLY
30 DEMONSTRATES BOTH ELEMENTS DESCRIBED IN SUBSECTION F OF THIS SECTION. IF
31 THE GOVERNMENTAL ENTITY OR OFFICIAL IS UNSUCCESSFUL, THE COURT SHALL GRANT
32 APPROPRIATE RELIEF, SUCH AS DECLARATORY OR INJUNCTIVE RELIEF, COMPENSATORY
33 DAMAGES AND ATTORNEY FEES, BASED ON THE FACTS OF THE CASE AND THE LAW AS
34 APPLIED TO THE FACTS.

35 ~~E.~~ H. For the purposes of this section, "parent" means the natural
36 or adoptive parent or legal guardian of a minor child.

37 Sec. 2. Section 15-102, Arizona Revised Statutes, is amended to
38 read:

39 15-102. Parental involvement in the school; definition

40 A. ~~The~~ EACH SCHOOL DISTRICT governing board, in consultation with
41 parents, teachers and administrators, shall develop and adopt a policy to
42 promote the involvement of parents and guardians of children enrolled in
43 the schools within the school district, including:

44 1. A plan for parent participation in the schools that is designed
45 to improve parent and teacher cooperation in such areas as homework,

1 attendance and discipline. The plan shall provide for the administration
2 of a parent-teacher satisfaction survey.

3 2. Procedures by which parents may learn about the course of study
4 for their children and review learning materials, including the source of
5 any supplemental educational materials.

6 3. Procedures by which parents who object to any learning material
7 or activity on the basis that the material or activity is harmful may
8 withdraw their children from the activity or from the class or program in
9 which the material is used. Objection to a learning material or activity
10 on the basis that the material or activity is harmful includes objection
11 to the material or activity because it questions beliefs or practices in
12 sex, morality or religion.

13 4. If a school district offers any sex education curricula pursuant
14 to section 15-711 or 15-716 or pursuant to any rules adopted by the state
15 board of education, procedures to prohibit the school district from
16 providing sex education instruction to a pupil unless the pupil's parent
17 provides written permission for the child to participate in the sex
18 education curricula.

19 5. Procedures by which parents will be notified in advance of and
20 given the opportunity to opt their children in to any instruction,
21 learning materials or presentations regarding sexuality, in courses other
22 than formal sex education curricula.

23 6. Procedures by which parents may learn about the nature and
24 purpose of clubs and activities that are part of the school curriculum,
25 extracurricular clubs and activities that have been approved by the
26 school.

27 7. Procedures by which parents may learn about parental rights and
28 responsibilities under the laws of this state, including the following:

29 (a) The right to opt in to a sex education curriculum if one is
30 provided by the school district.

31 (b) Open enrollment rights pursuant to section 15-816.01.

32 (c) The right to opt out of assignments pursuant to this section.

33 (d) The right to opt out of immunizations pursuant to section
34 15-873.

35 (e) The promotion requirements prescribed in section 15-701.

36 (f) The minimum course of study and competency requirements for
37 graduation from high school prescribed in section 15-701.01.

38 (g) The right to opt out of instruction on acquired immune
39 deficiency syndrome pursuant to section 15-716.

40 (h) The right to review test results pursuant to section 15-743.

41 (i) The right to participate in gifted programs pursuant to section
42 15-779.01.

43 (j) The right to access instructional materials pursuant to section
44 15-730.

1 (k) The right to receive a school report card pursuant to section
2 15-746.

3 (l) The attendance requirements prescribed in sections 15-802,
4 15-803 and 15-821.

5 (m) The right to public review of courses of study and textbooks
6 pursuant to sections 15-721 and 15-722.

7 (n) The right to be excused from school attendance for religious
8 purposes pursuant to section 15-806.

9 (o) Policies related to parental involvement pursuant to this
10 section.

11 (p) The right to seek membership on school councils pursuant to
12 section 15-351.

13 (q) Information about the student accountability information system
14 as prescribed in section 15-1041.

15 (r) The right to access the failing schools tutoring fund pursuant
16 to section 15-241.

17 (s) THE RIGHT TO ACCESS ALL WRITTEN AND ELECTRONIC RECORDS OF A
18 SCHOOL DISTRICT OR SCHOOL DISTRICT EMPLOYEE CONCERNING THE PARENT'S CHILD
19 PURSUANT TO SECTION 15-143.

20 B. The policy adopted by the governing board pursuant to this
21 section may also include the following components:

22 1. A plan by which parents will be made aware of the district's
23 parental involvement policy and this section, including:

24 (a) Rights under the family educational rights and privacy act of
25 1974 (20 United States Code section 1232g) relating to access to
26 children's official records.

27 (b) The parent's right to inspect the school district policies and
28 curriculum.

29 2. Efforts to encourage the development of parenting skills.

30 3. Communicating to parents techniques that are designed to assist
31 the child's learning experience in the home.

32 4. Efforts to encourage access to community and support services
33 for children and families.

34 5. Promoting communication between the school and parents
35 concerning school programs and the academic progress of the parents'
36 children.

37 6. Identifying opportunities for parents to participate in and
38 support classroom instruction at the school.

39 7. Efforts to support, with appropriate training, parents as shared
40 decision-makers and to encourage membership on school councils.

41 8. Recognizing the diversity of parents and developing guidelines
42 that promote widespread parental participation and involvement in the
43 school at various levels.

1 9. Developing preparation programs and specialized courses for
2 certificated employees and administrators that promote parental
3 involvement.

4 10. Developing strategies and programmatic structures at schools to
5 encourage and enable parents to participate actively in their children's
6 education.

7 C. The governing board may adopt a policy to provide to parents the
8 information required by this section in an electronic form.

9 D. A parent shall submit a written request for information pursuant
10 to this section during regular business hours to either the school
11 principal at the school site or the superintendent of the school district
12 at the office of the school district. Within ten days after receiving the
13 request for information, the school principal or the superintendent of the
14 school district shall either deliver the requested information to the
15 parent or submit to the parent a written explanation of the reasons for
16 denying the requested information. If the request for information is
17 denied or the parent does not receive the requested information within
18 fifteen days after submitting the request for information, the parent may
19 ~~submit a written~~ request ~~for~~ the information ~~to~~ IN WRITING FROM the school
20 district governing board, which shall formally consider the request at the
21 next scheduled public meeting of the governing board if the request can be
22 properly noticed on the agenda. If the request cannot be properly noticed
23 on the agenda, the governing board shall formally consider the request at
24 the next subsequent public meeting of the governing board.

25 E. For the purposes of this section, "parent" means the natural or
26 adoptive parent or legal guardian of a minor child.

27 Sec. 3. Section 15-117, Arizona Revised Statutes, is amended to
28 read:

29 15-117. Surveys; pupil information; parental permission and
30 informed consent; exceptions; penalties;
31 definitions

32 A. Notwithstanding any other law, each school district and charter
33 school shall obtain written informed consent from the parent of a pupil
34 before administering any survey ~~that is retained by a school district, a~~
35 ~~charter school or the department of education for longer than one year and~~
36 that solicits personal information about the pupil regarding any of the
37 following:

- 38 1. Critical appraisals of another person with whom a pupil has a
39 close relationship.
- 40 2. Gun or ammunition ownership.
- 41 3. Illegal, antisocial or self-incriminating behavior.
- 42 4. Income or other financial information.
- 43 5. Legally recognized privileged or analogous relationships, such
44 as relationships with a lawyer, physician or member of the clergy.
- 45 6. Medical history or medical information.

- 1 7. Mental health history or mental health information.
- 2 8. Political affiliations, opinions or beliefs.
- 3 9. Pupil biometric information.
- 4 10. The quality of home interpersonal relationships.
- 5 11. Religious practices, affiliations or beliefs.
- 6 12. Self-sufficiency as it pertains to emergency, disaster and
- 7 essential services interruption planning.
- 8 13. Sexual behavior or attitudes.
- 9 14. Voting history.
- 10 B. At ~~the beginning of every school year~~ LEAST SEVEN DAYS BEFORE
- 11 ADMINISTERING ANY SURVEY TO A PUPIL, every school district and charter
- 12 school shall PROVIDE A COPY OF THE SURVEY TO THE PUPIL'S PARENT ALONG WITH
- 13 A WRITTEN INFORMED CONSENT FORM AND SHALL obtain written informed consent
- 14 from the PUPIL'S parent ~~of a~~ FOR THE pupil to participate in ~~any~~ THE
- 15 survey pursuant to subsection A of this section ~~for the entire year.~~
- 16 ~~A~~ THE PUPIL'S parent ~~of a pupil~~ may at any time revoke consent for the
- 17 pupil to participate in any survey pursuant to subsection A of this
- 18 section. For any pupil who is at least eighteen years of age, the
- 19 permission or consent that would otherwise be required from the pupil's
- 20 parent pursuant to this section is required only from the pupil. All
- 21 surveys conducted pursuant to subsection A of this section shall be
- 22 approved and authorized by the school district or charter school. The
- 23 school district or charter school is subject to the penalties prescribed
- 24 in subsection L of this section. A teacher or other school employee may
- 25 not administer any survey pursuant to subsection A of this section without
- 26 written authorization from the school district or charter school.
- 27 C. This section applies to all surveys conducted pursuant to
- 28 subsection A of this section:
- 29 1. Regardless of the stated purpose of the survey.
- 30 2. Regardless of the quantity or percentage of questions that
- 31 solicit data pursuant to subsection A of this section.
- 32 3. Including written or digital surveys.
- 33 D. This section does not apply to:
- 34 1. Mental health screening pursuant to section 15-104 or the
- 35 identification of or programming for children with disabilities or gifted
- 36 pupils pursuant to chapter 7, articles 4 and 4.1 of this title.
- 37 2. Class instruction, discussion or assignments on subjects within
- 38 the purview of the course.
- 39 3. Private schools.
- 40 4. Any nationally recognized college entrance exam that a student
- 41 chooses to take regardless if the administration of the exam takes place
- 42 on public school property.

1 5. Any survey conducted that contains questions soliciting
2 information pursuant to subsection A of this section if the survey does
3 not require a student's name or any other personally identifiable
4 information.

5 6. Any survey conducted or implemented by the Arizona criminal
6 justice commission.

7 7. Any method of surveying a student that is conducted because a
8 person has a reasonable belief that a minor is or has been a victim of
9 abuse pursuant to section 13-3620.

10 E. A penalty may not be imposed on a pupil or the parent of a pupil
11 who does not participate in any survey conducted pursuant to subsection A
12 of this section. Participation in any survey pursuant to subsection A of
13 this section is not required:

14 1. To demonstrate that a pupil has met competency requirements for
15 any grade level, course or subject.

16 2. For a pupil to qualify for placement into any grade level,
17 course or subject.

18 3. For a pupil to be promoted to the next grade.

19 4. For a pupil to receive credit for any course or as part of a
20 letter grade for any course.

21 5. For a pupil to graduate from high school.

22 6. For a pupil to obtain a high school equivalency diploma.

23 F. A school district or charter school shall provide an alternative
24 educational activity for any pupil whose parent does not consent for that
25 pupil to participate in a survey conducted pursuant to subsection A of
26 this section.

27 G. Any pupil whose parent does not give written informed consent
28 for that pupil to participate in any survey pursuant to subsection A of
29 this section and who attends the alternative educational activity pursuant
30 to this section shall be counted toward daily attendance and average daily
31 membership for the school pursuant to section 15-901 and may not be
32 counted absent from school.

33 H. Responses to any survey pursuant to subsection A of this section
34 may not be included:

35 1. As part of a school academic performance indicator pursuant to
36 section 15-241, or as part of any other similar school rating system.

37 2. In the education learning and accountability system pursuant to
38 section 15-249, or in any other similar system.

39 3. In the student accountability information system pursuant to
40 section 15-756.10 or 15-1041, or in any other similar system.

41 I. A penalty may not be imposed on and a reward may not be granted
42 to a teacher, administrator, other school employee, school district,
43 school or charter school based on the pupil participation rate in any
44 survey conducted pursuant to subsection A of this section.

1 J. On request, a charter school or school district shall provide
2 any available information in a timely manner to the parent of a pupil
3 regarding a survey administered pursuant to subsection A of this section,
4 including:

- 5 1. The name of the survey.
- 6 2. The date or dates on which the survey will be administered.
- 7 3. The method or methods of administering the survey.
- 8 4. The amount of time required to administer the survey.
- 9 5. The type of information collected by the survey.
- 10 6. The reasons for administering the survey.

11 K. A parent of a pupil that has a reasonable belief that a school
12 district or charter school has violated this section may file a complaint
13 with the attorney general or the county attorney for the county in which
14 an alleged violation of this section occurred. The attorney general or
15 the county attorney for the county in which an alleged violation of this
16 section occurred may initiate a suit in the superior court in the county
17 in which the school district or charter school is located for the purpose
18 of complying with this section. After receiving written notice of an
19 alleged failure to comply with this section, a school district or charter
20 school that determines that a violation has occurred is not subject to a
21 penalty or cause of action under this section if the school district or
22 charter school cures the violation. For the purposes of this subsection,
23 "cure" means to destroy any information gathered in violation of this
24 section and to provide written instruction to the individual circulating
25 the survey, to be kept on file for one year after receipt of the written
26 notice of the alleged failure to comply.

27 L. For each violation of this section, the court may impose a civil
28 penalty not to exceed ~~five hundred dollars~~ \$500. The school district or
29 charter school determined to be out of compliance with this section shall
30 ~~be responsible for the payment of~~ PAY all penalties.

31 M. An attorney acting on behalf of a public school may request a
32 legal opinion of the county attorney or attorney general as to whether the
33 public school would violate this section.

34 N. All penalties collected by the court for a suit initiated in
35 superior court by the attorney general shall be paid to the office of the
36 attorney general for the use and reimbursement of costs of prosecution
37 pursuant to this section. All penalties collected by the court for a suit
38 initiated in superior court by a county attorney shall be paid to the
39 county treasurer of the county in which the court is held for the use and
40 reimbursement of costs of prosecution pursuant to this section.

41 O. For the purposes of this section:

- 42 1. "Parent" has the same meaning prescribed in section 15-101,
43 except that parent does not mean this state if the pupil is a ward of the
44 state.

1 2. "Survey" means:

2 (a) When used as a noun, an instrument that investigates the
3 attitudes, behaviors, beliefs, experiences, opinions or thoughts of a
4 pupil or group of pupils.

5 (b) When used as a verb, to use an instrument to investigate the
6 attitudes, behaviors, beliefs, experiences, opinions or thoughts of a
7 pupil or group of pupils.

8 Sec. 4. Title 15, chapter 1, article 4, Arizona Revised Statutes,
9 is amended by adding section 15-143, to read:

10 15-143. Educational records; rights of parents

11 A. IN ACCORDANCE WITH THE RIGHTS SECURED UNDER SECTION 1-602,
12 SUBSECTION A, PARAGRAPH 2, A PARENT SHALL HAVE ACCESS TO ALL WRITTEN AND
13 ELECTRONIC RECORDS OF A SCHOOL DISTRICT OR CHARTER SCHOOL OR A SCHOOL
14 DISTRICT OR CHARTER SCHOOL EMPLOYEE CONCERNING THE PARENT'S CHILD AND TO
15 ALL ELECTRONIC ACCOUNTS OF THE PARENT'S CHILD, INCLUDING ALL OF THE
16 FOLLOWING:

17 1. ATTENDANCE RECORDS.

18 2. TEST SCORES OF SCHOOL-ADMINISTERED TESTS AND STATEWIDE
19 ASSESSMENTS.

20 3. GRADES.

21 4. EXTRACURRICULAR ACTIVITIES OR CLUB PARTICIPATION.

22 5. DISCIPLINARY RECORDS.

23 6. COUNSELING RECORDS.

24 7. PSYCHOLOGICAL RECORDS.

25 8. APPLICATIONS FOR ADMISSION.

26 9. HEALTH AND IMMUNIZATION INFORMATION, INCLUDING ANY MEDICAL
27 RECORDS THAT ARE MAINTAINED BY A HEALTH CLINIC OR MEDICAL FACILITY
28 OPERATED OR CONTROLLED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL OR THAT
29 ARE LOCATED ON SCHOOL DISTRICT OR CHARTER SCHOOL PROPERTY.

30 10. TEACHER AND COUNSELOR EVALUATIONS.

31 11. REPORTS OF BEHAVIORAL PATTERNS.

32 12. EMAIL ACCOUNTS.

33 13. ONLINE OR VIRTUAL ACCOUNTS OR DATA.

34 B. A SCHOOL DISTRICT OR CHARTER SCHOOL EMPLOYEE MAY NOT WITHHOLD OR
35 CONCEAL INFORMATION FROM, OR FACILITATE, ENCOURAGE OR COERCE STUDENTS TO
36 WITHHOLD OR CONCEAL INFORMATION FROM, THE STUDENT'S PARENTS ABOUT THE
37 STUDENT'S PHYSICAL, EMOTIONAL OR MENTAL HEALTH UNLESS THE INFORMATION IS
38 SUBJECT TO REPORT PURSUANT TO SECTION 13-3620.

39 C. A PARENT MAY FILE SUIT AGAINST A SCHOOL DISTRICT OR CHARTER
40 SCHOOL THAT VIOLATES SUBSECTION A OR B OF THIS SECTION IN THE SUPERIOR
41 COURT IN THE COUNTY IN WHICH THE VIOLATION OCCURS. THIS SECTION DOES NOT
42 PRECLUDE A PARENT FROM FILING A SUIT ASSERTING A VIOLATION OF THIS SECTION
43 OR ANY OTHER CLAIM OTHERWISE ALLOWED BY LAW.

- 1 D. A PARENT WHO SUCCESSFULLY ASSERTS A CLAIM UNDER SUBSECTION A OR
- 2 B OF THIS SECTION MAY RECOVER:
- 3 1. DECLARATORY RELIEF.
- 4 2. INJUNCTIVE RELIEF TO PREVENT OR REMEDY A VIOLATION OF SUBSECTION
- 5 A OR B OR THE EFFECTS OF THE VIOLATION.
- 6 3. REASONABLE ATTORNEY FEES AND COSTS.
- 7 4. ANY OTHER APPROPRIATE RELIEF.