

REFERENCE TITLE: parent's rights; mental; physical health

State of Arizona
House of Representatives
Fifty-sixth Legislature
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2024

HB 2657

Introduced by
Representatives Parker B: Heap, Jones, Kolodin, Marshall, McGarr,
Montenegro, Parker J, Smith; Senators Hoffman, Wadsack

AN ACT

AMENDING SECTIONS 1-602, 8-201, 15-101, 15-102, 15-113 AND 15-143, ARIZONA
REVISED STATUTES; RELATING TO PARENT'S 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.
19 6. The right to request, access and review all written and
20 electronic medical records of the minor child unless otherwise prohibited
21 by law or unless the parent is the subject of an investigation of a crime
22 committed against the minor child and a law enforcement official requests
23 that the information not be released.
24 7. The right to consent in writing before a biometric scan of the
25 minor child is made pursuant to section 15-109.
26 8. The right to consent in writing before any record of the minor
27 child's blood or deoxyribonucleic acid is created, stored or shared,
28 except as required by section 36-694, or before any genetic testing is
29 conducted on the minor child pursuant to section 12-2803 unless authorized
30 pursuant to section 13-610 or a court order.
31 9. The right to consent in writing before this state or any of its
32 political subdivisions makes a video or voice recording of the minor
33 child, unless the video or voice recording is made during or as a part of
34 a court proceeding, by law enforcement officers during or as part of a law
35 enforcement investigation, during or as part of an interview in a criminal
36 or child safety services investigation or to be used solely for any of the
37 following:
38 (a) Safety demonstrations, including the maintenance of order and
39 discipline in the common areas of a school or on pupil transportation
40 vehicles.
41 (b) A purpose related to a legitimate academic or extracurricular
42 activity.
43 (c) A purpose related to regular classroom instruction.
44 (d) Security or surveillance of buildings or grounds.
45 (e) A photo identification card.

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

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

13 B. This section does not authorize or allow a parent to engage in
14 conduct that is unlawful or to abuse or neglect a child in violation of
15 the laws of this state. This section does not prohibit courts, law
16 enforcement officers or employees of a government agency responsible for
17 child welfare from acting in their official capacity within the scope of
18 their authority. This section does not prohibit a court from issuing an
19 order that is otherwise allowed by law.

20 C. Any attempt to encourage or coerce a minor child to withhold
21 information from the child's parent, **INCLUDING INFORMATION THAT IS**
22 **RELEVANT TO THE MINOR CHILD'S PHYSICAL, EMOTIONAL OR MENTAL HEALTH,** is
23 grounds for discipline of an employee of this state, any political
24 subdivision of this state, any other governmental entity or any other
25 institution, except for law enforcement personnel.

26 D. Unless those rights have been legally waived or legally
27 terminated, parents have inalienable rights that are more comprehensive
28 than those listed in this section. This chapter does not prescribe all
29 rights of parents or preempt or foreclose claims or remedies in support of
30 parental rights that are available under the constitution, statutes or
31 common law of this state. Unless otherwise required by law, the rights of
32 parents of minor children shall not be limited or denied.

33 E. Except as prescribed in subsections F and G of this section,
34 this state, a political subdivision of this state or any other
35 governmental entity, or any official of this state, a political
36 subdivision of this state or any other governmental entity acting under
37 color of law, shall not interfere with or usurp the fundamental right of
38 parents to direct the upbringing, education, health care and mental health
39 of their children. A parent may bring suit against a governmental entity
40 or official described in this subsection based on any violation of the
41 statutory rights set forth in this chapter or any other action that
42 interferes with or usurps the fundamental right of parents to direct the
43 upbringing, education, health care and mental health of their children in
44 the superior court in the county in which the violation or other action
45 occurs or in federal court, if authorized by federal law, or before an

1 administrative tribunal of appropriate jurisdiction. A parent may raise a
2 violation of this chapter as a claim or a defense.

3 F. In any action under subsection E of this section, the
4 governmental entity or official described in subsection E of this section
5 has the burden of proof to demonstrate both of the following:

6 1. That the interference or usurpation is essential to accomplish a
7 compelling government interest of the highest order, as long recognized in
8 the history and traditions of this state in the operation of its
9 regulatory powers.

10 2. That the method of interference or usurpation used by the
11 government is narrowly tailored and is not otherwise served by a less
12 restrictive means.

13 G. A governmental entity or official described in subsection E of
14 this section may interfere with or usurp the fundamental right of parents
15 to direct the upbringing, education, health care and mental health of
16 their children only if the governmental entity or official successfully
17 demonstrates both elements described in subsection F of this section. If
18 the governmental entity or official is unsuccessful, the court shall grant
19 appropriate relief, such as declaratory or injunctive relief, compensatory
20 damages and attorney fees, based on the facts of the case and the law as
21 applied to the facts.

22 H. For the purposes of this section, "parent" means the natural or
23 adoptive parent or legal guardian of a minor child.

24 Sec. 2. Section 8-201, Arizona Revised Statutes, is amended to
25 read:

26 8-201. Definitions

27 In this title, unless the context otherwise requires:

28 1. "Abandoned" means the failure of the parent to provide
29 reasonable support and to maintain regular contact with the child,
30 including providing normal supervision. Abandoned includes a judicial
31 finding that a parent has made only minimal efforts to support and
32 communicate with the child. Failure to maintain a normal parental
33 relationship with the child without just cause for a period of six months
34 constitutes prima facie evidence of abandonment.

35 2. "Abuse" means the infliction or allowing of physical injury,
36 impairment of bodily function or disfigurement or the infliction of or
37 allowing another person to cause serious emotional damage as evidenced by
38 severe anxiety, depression, withdrawal or untoward aggressive behavior and
39 which emotional damage is diagnosed by a medical doctor or psychologist
40 and is caused by the acts or omissions of an individual who has the care,
41 custody and control of a child. Abuse:

42 (a) Includes:

43 ~~(a)~~ (i) Inflicting or allowing sexual abuse pursuant to section
44 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual
45 assault pursuant to section 13-1406, molestation of a child pursuant to

1 section 13-1410, commercial sexual exploitation of a minor pursuant to
2 section 13-3552, sexual exploitation of a minor pursuant to section
3 13-3553, incest pursuant to section 13-3608 or child sex trafficking
4 pursuant to section 13-3212.

5 ~~(b)~~ (ii) Physical injury that results from allowing a child to
6 enter or remain in any structure or vehicle in which volatile, toxic or
7 flammable chemicals are found or equipment is possessed by any person for
8 the purpose of manufacturing a dangerous drug as defined in section
9 13-3401.

10 ~~(c)~~ (iii) Unreasonable confinement of a child.

11 (b) DOES NOT INCLUDE REFERRING TO AND RAISING A CHILD IN A MANNER
12 CONSISTENT WITH THE CHILD'S BIOLOGICAL SEX, INCLUDING RELATED MENTAL
13 HEALTH OR MEDICAL DECISIONS.

14 3. "Adult" means a person who is eighteen years of age or older.

15 4. "Adult court" means the appropriate justice court, municipal
16 court or criminal division of the superior court that has jurisdiction to
17 hear proceedings concerning offenses committed by juveniles as provided in
18 sections 8-327 and 13-501.

19 5. "Award" or "commit" means to assign legal custody.

20 6. "Child", "youth" or "juvenile" means an individual who is under
21 eighteen years of age.

22 7. "Complaint" means a written statement of the essential facts
23 constituting a public offense that is any of the following:

24 (a) Made on an oath before a judge or commissioner of the superior
25 court or an authorized juvenile hearing officer.

26 (b) Made pursuant to section 13-3903.

27 (c) Accompanied by an affidavit of a law enforcement officer or
28 employee that swears on information and belief to the accuracy of the
29 complaint pursuant to section 13-4261.

30 8. "Criminal conduct allegation" means an allegation of conduct by
31 a parent, guardian or custodian of a child or an adult member of the
32 victim's household that, if true, would constitute any of the following:

33 (a) A violation of section 13-3623 involving child abuse.

34 (b) A felony offense that constitutes domestic violence as defined
35 in section 13-3601.

36 (c) A violation of section 13-1404 or 13-1406 involving a minor.

37 (d) A violation of section 13-1405, 13-1410 or 13-1417.

38 (e) Any other act of abuse that is classified as a felony.

39 (f) An offense that constitutes domestic violence as defined in
40 section 13-3601 and that involves a minor who is a victim of or was in
41 imminent danger during the domestic violence.

42 9. "Custodian" means a person, other than a parent or legal
43 guardian, who stands in loco parentis to the child or a person to whom
44 legal custody of the child has been given by order of the juvenile court.

1 10. "DCS report" means a communication received by the centralized
2 intake hotline that alleges child abuse or neglect and that meets the
3 criteria for a report as prescribed in section 8-455.

4 11. "Delinquency hearing" means a proceeding in the juvenile court
5 to determine whether a juvenile has committed a specific delinquent act as
6 set forth in a petition.

7 12. "Delinquent act" means an act by a juvenile that if committed
8 by an adult would be a criminal offense or a petty offense, a violation of
9 any law of this state, or of another state if the act occurred in that
10 state, or a law of the United States, or a violation of any law that can
11 only be violated by a minor and that has been designated as a delinquent
12 offense, or any ordinance of a city, county or political subdivision of
13 this state defining crime. Delinquent act does not include an offense
14 under section 13-501, subsection A or B if the offense is filed in adult
15 court. Any juvenile who is prosecuted as an adult or who is remanded for
16 prosecution as an adult shall not be adjudicated as a delinquent juvenile
17 for the same offense.

18 13. "Delinquent juvenile" means a child who is adjudicated to have
19 committed a delinquent act.

20 14. "Department" means the department of child safety.

21 15. "Dependent child":

22 (a) Means a child who is adjudicated to be:

23 (i) In need of proper and effective parental care and control and
24 who has no parent or guardian, or one who has no parent or guardian
25 willing to exercise or capable of exercising such care and control.

26 (ii) Destitute or who is not provided with the necessities of life,
27 including adequate food, clothing, shelter or medical care.

28 (iii) A child whose home is unfit by reason of abuse, neglect,
29 cruelty or depravity by a parent, a guardian or any other person having
30 custody or care of the child.

31 (iv) Under eight years of age and who is found to have committed an
32 act that would result in adjudication as a delinquent juvenile or
33 incorrigible child if committed by an older juvenile or child.

34 (v) Incompetent or not restorable to competency and who is alleged
35 to have committed a serious offense as defined in section 13-706.

36 (b) Does not include a child who in good faith is being furnished
37 Christian Science treatment by a duly accredited practitioner if none of
38 the circumstances described in subdivision (a) of this paragraph exists.

39 16. "Detention" means the temporary confinement of a juvenile who
40 requires secure care in a physically restricting facility that is
41 completely surrounded by a locked and physically secure barrier with
42 restricted ingress and egress for the protection of the juvenile or the
43 community pending court disposition or as a condition of probation.

1 17. "Director" means the director of the department.

2 18. "Health professional" has the same meaning prescribed in
3 section 32-3201.

4 19. "Incorrigible child" means a child who:

5 (a) Is adjudicated as a child who refuses to obey the reasonable
6 and proper orders or directions of a parent, guardian or custodian and who
7 is beyond the control of that person.

8 (b) Is habitually truant from school as defined in section 15-803,
9 subsection C.

10 (c) Is a runaway from the child's home or parent, guardian or
11 custodian.

12 (d) Habitually behaves in such a manner as to injure or endanger
13 the morals or health of self or others.

14 (e) Commits any act constituting an offense that can only be
15 committed by a minor and that is not designated as a delinquent act.

16 (f) Fails to obey any lawful order of a court of competent
17 jurisdiction given in a noncriminal action.

18 20. "Independent living program" includes a residential program
19 with supervision of less than twenty-four hours a day.

20 21. "Juvenile court" means the juvenile division of the superior
21 court when exercising its jurisdiction over children in any proceeding
22 relating to delinquency, dependency or incorrigibility.

23 22. "Law enforcement officer" means a peace officer, sheriff,
24 deputy sheriff, municipal police officer or constable.

25 23. "Medical director of a mental health agency":

26 (a) Means a psychiatrist, or licensed physician experienced in
27 psychiatric matters, who is designated in writing by the governing body of
28 the agency as the person in charge of the medical services of the agency,
29 or a psychiatrist designated by the governing body to act for the
30 director.

31 (b) Includes the superintendent of the state hospital.

32 24. "Mental health agency" means any private or public facility
33 that is licensed by this state as a mental health treatment agency, a
34 psychiatric hospital, a psychiatric unit of a general hospital or a
35 residential treatment center for emotionally disturbed children and that
36 uses secure settings or mechanical restraints.

37 25. "Neglect" or "neglected" means:

38 (a) The inability or unwillingness of a parent, guardian or
39 custodian of a child to provide that child with supervision, food,
40 clothing, shelter or medical care if that inability or unwillingness
41 causes substantial risk of harm to the child's health or welfare, except
42 if the inability of a parent, guardian or custodian to provide services to
43 meet the needs of a child with a disability or chronic illness is solely
44 the result of the unavailability of reasonable services. **FOR THE PURPOSES
45 OF THIS THIS PARAGRAPH, NEGLECT OR NEGLECTED DOES NOT INCLUDE REFERRING TO**

1 AND RAISING A CHILD IN A MANNER THAT IS CONSISTENT WITH THE CHILD'S
2 BIOLOGICAL SEX, INCLUDING RELATED MENTAL HEALTH OR MEDICAL DECISIONS.

3 (b) Allowing a child to enter or remain in any structure or vehicle
4 in which volatile, toxic or flammable chemicals are found or equipment is
5 possessed by any person with the intent and for the purpose of
6 manufacturing a dangerous drug as defined in section 13-3401.

7 (c) A determination by a health professional that a newborn infant
8 was exposed prenatally to a drug or substance listed in section 13-3401
9 and that this exposure was not the result of a medical treatment
10 administered to the mother or the newborn infant by a health professional.
11 This subdivision does not expand a health professional's duty to report
12 neglect based on prenatal exposure to a drug or substance listed in
13 section 13-3401 beyond the requirements prescribed pursuant to section
14 13-3620, subsection E. The determination by the health professional shall
15 be based on one or more of the following:

16 (i) Clinical indicators in the prenatal period including maternal
17 and newborn presentation.

18 (ii) History of substance use or abuse.

19 (iii) Medical history.

20 (iv) Results of a toxicology or other laboratory test on the mother
21 or the newborn infant.

22 (d) Diagnosis by a health professional of an infant under one year
23 of age with clinical findings consistent with fetal alcohol syndrome or
24 fetal alcohol effects.

25 (e) Deliberate exposure of a child by a parent, guardian or
26 custodian to sexual conduct as defined in section 13-3551 or to sexual
27 contact, oral sexual contact or sexual intercourse as defined in section
28 13-1401, bestiality as prescribed in section 13-1411 or explicit sexual
29 materials as defined in section 13-3507.

30 (f) Any of the following acts committed by the child's parent,
31 guardian or custodian with reckless disregard as to whether the child is
32 physically present:

33 (i) Sexual contact as defined in section 13-1401.

34 (ii) Oral sexual contact as defined in section 13-1401.

35 (iii) Sexual intercourse as defined in section 13-1401.

36 (iv) Bestiality as prescribed in section 13-1411.

37 26. "Newborn infant" means a child who is under thirty days of age.

38 27. "Petition" means a written statement of the essential facts
39 that allege delinquency, incorrigibility or dependency.

40 28. "Prevention" means the creation of conditions, opportunities
41 and experiences that encourage and develop healthy, self-sufficient
42 children and that occur before the onset of problems.

43 29. "Protective supervision" means supervision that is ordered by
44 the juvenile court of children who are found to be dependent or
45 incorrigible.

1 30. "Qualified young adult" means a former dependent child who is
2 at least eighteen years of age and not over twenty-one years of age, who
3 meets the criteria for an extended foster care program pursuant to section
4 8-521.02 and who signs a voluntary agreement to participate in the
5 program.

6 31. "Referral" means a report that is submitted to the juvenile
7 court and that alleges that a child is dependent or incorrigible or that a
8 juvenile has committed a delinquent or criminal act.

9 32. "Secure care" means confinement in a facility that is
10 completely surrounded by a locked and physically secure barrier with
11 restricted ingress and egress.

12 33. "Serious emotional injury" means an injury that is diagnosed by
13 a medical doctor or a psychologist and that does any one or a combination
14 of the following:

15 (a) Seriously impairs mental faculties.

16 (b) Causes serious anxiety, depression, withdrawal or social
17 dysfunction behavior to the extent that the child suffers dysfunction that
18 requires treatment.

19 (c) Is the result of sexual abuse pursuant to section 13-1404,
20 sexual conduct with a minor pursuant to section 13-1405, sexual assault
21 pursuant to section 13-1406, molestation of a child pursuant to section
22 13-1410, child sex trafficking pursuant to section 13-3212, commercial
23 sexual exploitation of a minor pursuant to section 13-3552, sexual
24 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
25 section 13-3608.

26 34. "Serious physical injury" means an injury that is diagnosed by
27 a medical doctor and that does any one or a combination of the following:

28 (a) Creates a reasonable risk of death.

29 (b) Causes serious or permanent disfigurement.

30 (c) Causes significant physical pain.

31 (d) Causes serious impairment of health.

32 (e) Causes the loss or protracted impairment of an organ or limb.

33 (f) Is the result of sexual abuse pursuant to section 13-1404,
34 sexual conduct with a minor pursuant to section 13-1405, sexual assault
35 pursuant to section 13-1406, molestation of a child pursuant to section
36 13-1410, child sex trafficking pursuant to section 13-3212, commercial
37 sexual exploitation of a minor pursuant to section 13-3552, sexual
38 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
39 section 13-3608.

40 35. "Shelter care" means the temporary care of a child in any
41 public or private facility or home that is licensed by this state and that
42 offers a physically nonsecure environment that is characterized by the
43 absence of physically restricting construction or hardware and that
44 provides the child access to the surrounding community.

1 36. "Young adult administrative review" means an administrative
2 review of a voluntary extended foster care case plan with the qualified
3 young adult, the department's case specialist or designee, an independent
4 party who is not responsible for the case management of or the delivery of
5 services to the qualified young adult and any other individual the young
6 adult invites.

7 Sec. 3. Section 15-101, Arizona Revised Statutes, is amended to
8 read:

9 15-101. Definitions

10 In this title, unless the context otherwise requires:

11 1. "Accommodation school" means either:

12 (a) A school that is operated through the county board of
13 supervisors and the county school superintendent and that the county
14 school superintendent administers to serve a military reservation or
15 territory that is not included within the boundaries of a school district.

16 (b) A school that provides educational services to homeless
17 children or alternative education programs as provided in section 15-308,
18 subsection B.

19 (c) A school that is established to serve a military reservation,
20 the boundaries of which are coterminous with the boundaries of the
21 military reservation on which the school is located.

22 2. "Assessed valuation" means the valuation derived by applying the
23 applicable percentage as provided in title 42, chapter 15, article 1 to
24 the full cash value or limited property value, whichever is applicable, of
25 the property.

26 3. "Charter holder" means a person that enters into a charter with
27 the state board for charter schools. For the purposes of this paragraph,
28 "person" means an individual, partnership, corporation, association or
29 public or private organization of any kind.

30 4. "Charter school" means a public school established by contract
31 with the state board of education, the state board for charter schools, a
32 university under the jurisdiction of the Arizona board of regents, a
33 community college district or a group of community college districts
34 pursuant to article 8 of this chapter to provide learning that will
35 improve pupil achievement.

36 5. "Child with a disability" means a child with a disability as
37 defined in section 15-761.

38 6. "Class A bonds" means general obligation bonds approved by a
39 vote of the qualified electors of a school district at an election held on
40 or before December 31, 1998.

41 7. "Class B bonds" means general obligation bonds approved by a
42 vote of the qualified electors of a school district at an election held
43 from and after December 31, 1998.

44 8. "Competency" means a demonstrated ability in a skill at a
45 specified performance level.

1 9. "Course" means organized subject matter in which instruction is
2 offered within a given period of time and for which credit toward
3 promotion, graduation or certification is usually given. A course
4 consists of knowledge selected from a subject for instructional purposes
5 in the schools.

6 10. "Course of study" means a list of required and optional
7 subjects to be taught in the schools.

8 11. "CURRICULUM" MEANS ANY TEXTBOOK, SUPPLEMENTAL BOOK, LEARNING
9 MATERIAL AND ACTIVITY, HOMEWORK, PRESENTATION, HANDOUT, VIDEO, SOFTWARE,
10 QUESTIONNAIRE, SURVEY OR OTHER WRITTEN OR ELECTRONIC MATERIAL USED TO
11 INSTRUCT STUDENTS IN A CLASS OR COURSE.

12 ~~11.~~ 12. "Dual enrollment course" means a college-level course that
13 is conducted on the campus of a high school or on the campus of a career
14 technical education district, that is applicable to an established
15 community college academic degree or certificate program and that is
16 transferable to a university under the jurisdiction of the Arizona board
17 of regents. A dual enrollment course that is applicable to a community
18 college occupational degree or certificate program may be transferable to
19 a university under the jurisdiction of the Arizona board of regents.

20 ~~12.~~ 13. "Elementary grades" means kindergarten programs and grades
21 one through eight.

22 ~~13.~~ 14. "Fiscal year" means the year beginning July 1 and ending
23 June 30.

24 ~~14.~~ 15. "Governing board" means a body organized ~~for the~~
25 ~~government and management of~~ TO GOVERN AND MANAGE the schools within a
26 school district or a county school superintendent in the conduct of an
27 accommodation school.

28 ~~15.~~ 16. "Lease" means an agreement for ~~conveyance and possession~~
29 ~~of~~ CONVEYING AND POSSESSING real or personal property.

30 ~~16.~~ 17. "Limited property value" means the value determined
31 pursuant to title 42, chapter 13, article 7. ~~Limited property value shall~~
32 ~~be~~ THAT IS used as the basis for assessing, fixing, determining and
33 levying primary property taxes.

34 ~~17.~~ 18. "Nontest" means not relating to knowledge or skills in
35 reading, writing, mathematics, social studies, science or any other
36 course.

37 ~~18.~~ 19. "Parent" means the natural or adoptive parent of a child
38 or a person who has custody of a child.

39 ~~19.~~ 20. "Person who has custody" means a parent or legal guardian
40 of a child, a person to whom custody of the child has been given by order
41 of a court or a person who stands in loco parentis to the child.

42 ~~20.~~ 21. "Primary property taxes" means all ad valorem taxes except
43 for secondary property taxes.

44 ~~21.~~ 22. "Private school" means a nonpublic institution where
45 instruction is imparted.

1 ~~22.~~ 23. "School" or "public school" means any public institution
2 established for the purposes of offering instruction to pupils in programs
3 for preschool children with disabilities, kindergarten programs or any
4 combination of elementary grades or secondary grades one through twelve.

5 ~~23.~~ 24. "School district" means a political subdivision of this
6 state with geographic boundaries organized ~~for the purpose of the~~
7 ~~administration~~ TO ADMINISTER, support and ~~maintenance~~ of MAINTAIN the
8 public schools or an accommodation school.

9 ~~24.~~ 25. "Secondary grades" means grades nine through twelve.

10 ~~25.~~ 26. "Secondary property taxes" means ad valorem taxes used to
11 pay the principal of and the interest and redemption charges on any bonded
12 indebtedness or other lawful long-term obligation issued or incurred for a
13 specific purpose by a school district or a community college district and
14 amounts levied pursuant to an election to exceed a budget, expenditure or
15 tax limitation.

16 ~~26.~~ 27. "Subject" means a division or field of organized
17 knowledge, such as English or mathematics, or a selection from an
18 organized body of knowledge for a course or teaching unit, such as the
19 English novel or elementary algebra.

20 Sec. 4. Section 15-102, Arizona Revised Statutes, is amended to
21 read:

22 15-102. Parental involvement in the school; definition

23 A. Each school district governing board, in consultation with
24 parents, teachers and administrators, shall develop and adopt a policy to
25 promote the involvement of parents and guardians of children enrolled in
26 the schools within the school district, including:

27 1. A plan for parent participation in the schools that is designed
28 to improve parent and teacher cooperation in such areas as homework,
29 attendance and discipline. The plan shall provide for the administration
30 of a parent-teacher satisfaction survey.

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

34 3. ~~Beginning January 1, 2023,~~ Procedures by which parents have
35 access to the school's library collection of available books and materials
36 and parents may receive a list of books and materials borrowed from the
37 library by their children. The policy must provide that the following are
38 exempt from the procedures prescribed pursuant to this paragraph:

39 (a) Schools without a full-time library media specialist or an
40 equivalent position.

41 (b) School district libraries that have agreements with county free
42 library districts, municipal libraries or other entities pursuant to
43 section 15-362, subsection D.

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

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

14 6. Procedures by which parents will be notified in advance of and
15 given the opportunity to opt their children in to any instruction,
16 learning materials or presentations regarding sexuality, in courses other
17 than formal sex education curricula.

18 7. Procedures by which parents may learn about the nature and
19 purpose of clubs and activities that are part of the school curriculum,
20 extracurricular clubs and activities that have been approved by the
21 school.

22 8. Procedures by which parents may learn about parental rights and
23 responsibilities under the laws of this state, including the following:

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

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

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

28 (d) The right to opt out of immunizations pursuant to section
29 15-873.

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

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

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

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

36 (i) The right to participate in gifted programs pursuant to section
37 15-779.01.

38 (j) The right to access instructional materials pursuant to section
39 15-730.

40 (k) The right to receive a school report card pursuant to section
41 15-746.

42 (l) The attendance requirements prescribed in sections 15-802,
43 15-803 and 15-821.

44 (m) The right to public review of courses of study, textbooks and
45 library books and materials pursuant to sections 15-721 and 15-722.

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

3 (o) Policies related to parental involvement pursuant to this
4 section.

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

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

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

11 (s) The right to access all written and electronic records of a
12 school district or school district employee OR ANY PERSON OR ORGANIZATION
13 THAT IS HIRED, CONTRACTED OR AUTHORIZED BY THE SCHOOL DISTRICT TO PROVIDE
14 SERVICES TO STUDENTS concerning the parent's child pursuant to section
15 15-143.

16 9. PROCEDURES TO NOTIFY A PARENT AT LEAST FIVE DAYS IN ADVANCE AND
17 OBTAIN THE PARENT'S CONSENT BEFORE THE PARENT'S CHILD ATTENDS ANY
18 INSTRUCTION OR PRESENTATION THAT HAS THE GOAL OR PURPOSE OF STUDYING,
19 EXPLORING OR INFORMING THE STUDENT ABOUT GENDER ROLES OR STEREOTYPES,
20 GENDER IDENTITY, GENDER EXPRESSION OR SEXUAL ORIENTATION.

21 10. PROCEDURES TO NOTIFY A PARENT IF A PARENT'S CHILD EXPRESSES TO
22 ANY SCHOOL EMPLOYEE THAT THE CHILD IS EXPERIENCING GENDER INCONGRUENCE OR
23 ASKS A SCHOOL EMPLOYEE TO PARTICIPATE IN SOCIAL AFFIRMATION OR TRANSITION
24 WHILE AT SCHOOL. FOR THE PURPOSES OF THIS PARAGRAPH, "EMPLOYEE" INCLUDES
25 A PERSON WHO PROVIDES CERTIFIED OR CLASSIFIED SERVICES TO THE SCHOOL
26 DISTRICT AS AN EMPLOYEE OF A THIRD-PARTY CONTRACTOR.

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

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

31 (a) Rights under the family educational rights and privacy act of
32 1974 (20 United States Code section 1232g) relating to access to
33 children's official records.

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

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

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

39 4. Efforts to encourage access to community and support services
40 for children and families.

41 5. Promoting communication between the school and parents
42 concerning school programs and the academic progress of the parents'
43 children.

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

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

3 8. Recognizing the diversity of parents and developing guidelines
4 that promote widespread parental participation and involvement in the
5 school at various levels.

6 9. Developing preparation programs and specialized courses for
7 certificated employees and administrators that promote parental
8 involvement.

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

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

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

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

32 Sec. 5. Section 15-113, Arizona Revised Statutes, is amended to
33 read:

34 15-113. Rights of parents; public educational institutions;
35 complaint procedures; cause of action; remedies;
36 definitions

37 A. A parent of a student in a public educational institution has
38 the right to review ALL learning materials and activities in advance. A
39 parent who objects to any learning material or activity on the basis that
40 the material or activity is harmful may request to withdraw that parent's
41 student from the activity or from the class or program in which the
42 material is used and request an alternative assignment.

43 B. A charter school may require parents to waive the right to
44 object to learning materials or activities pursuant to subsection A of
45 this section as a condition of enrollment if the charter school provides a

1 complete list of books and materials to be used each school year before
2 the student enrolls. If the charter school introduces books or materials
3 that were not disclosed ~~prior to~~ BEFORE THE STUDENT'S enrollment, the
4 parent retains the right to object to those materials pursuant to
5 subsection A of this section.

6 C. A charter school may require that any request to review learning
7 materials or activities or to withdraw the student from learning materials
8 or activities pursuant to subsection A of this section be made in writing.

9 D. A public educational institution shall obtain signed, written
10 consent from a student's parent or guardian before doing ~~either~~ ANY of the
11 following:

12 1. Using video, audio or electronic materials that may be
13 inappropriate for the age of the student.

14 2. Providing sex education instruction to the student. At the same
15 time the public educational institution seeks consent, it shall inform the
16 student's parent or guardian of the parent's or guardian's right to review
17 the ~~instructional~~ LEARNING materials and activities.

18 3. PROVIDING ANY INSTRUCTION OR PRESENTATION THAT HAS THE GOAL OR
19 PURPOSE OF STUDYING, EXPLORING OR INFORMING STUDENTS ABOUT GENDER ROLES OR
20 STEREOTYPES, GENDER IDENTITY, GENDER EXPRESSION OR SEXUAL ORIENTATION.

21 4. IMPLEMENTING ANY PLAN CONCERNING ANY GENDER INCONGRUENCE
22 EXPERIENCED BY THE STUDENT, INCLUDING ANY COUNSELING OF THE STUDENT AT
23 SCHOOL. ANY SUCH PLAN MUST INCLUDE A PROVISION FOR PARENTAL PARTICIPATION
24 TO THE EXTENT REQUESTED BY THE PARENT.

25 5. PLACING A STUDENT IN A BEDROOM WITH AN INDIVIDUAL OF THE
26 OPPOSITE BIOLOGICAL SEX OR REQUIRING A STUDENT TO SHARE A MULTIOCCUPANCY
27 RESTROOM WITH AN INDIVIDUAL OF THE OPPOSITE BIOLOGICAL SEX DURING ANY
28 OVERNIGHT TRIP THAT IS SPONSORED OR AUTHORIZED BY A PUBLIC EDUCATIONAL
29 INSTITUTION. IF THE STUDENT'S PARENT DOES NOT PROVIDE WRITTEN CONSENT,
30 THE PUBLIC EDUCATIONAL INSTITUTION MUST ALLOW THE STUDENT TO ATTEND THE
31 ACTIVITY OR EVENT AND MUST PROVIDE THE STUDENT WITH AN ALTERNATIVE
32 ACCOMMODATION THAT DOES NOT REQUIRE THE STUDENT TO SHARE OVERNIGHT LODGING
33 OR A MULTIOCCUPANCY RESTROOM WITH AN INDIVIDUAL OF THE OPPOSITE BIOLOGICAL
34 SEX.

35 E. A PUBLIC EDUCATIONAL INSTITUTION SHALL INFORM AT LEAST ONE
36 PARENT WITHIN SEVEN DAYS AFTER A STUDENT EXPRESSES TO ANY EMPLOYEE THAT
37 THE STUDENT IS EXPERIENCING ANY GENDER INCONGRUENCE OR REQUESTS THAT ANY
38 SUCH EMPLOYEE PARTICIPATE IN SOCIAL AFFIRMATION OF THE STUDENT'S GENDER
39 INCONGRUENCE OR THE TRANSITION OF THE STUDENT TO A SEX OR GENDER DIFFERENT
40 FROM THE STUDENT'S BIOLOGICAL SEX WHILE AT SCHOOL. FOR THE PURPOSES OF
41 THIS SUBSECTION, "EMPLOYEE" INCLUDES A PERSON WHO PROVIDES CERTIFIED OR
42 CLASSIFIED SERVICES TO THE SCHOOL DISTRICT AS AN EMPLOYEE OF A THIRD-PARTY
43 CONTRACTOR.

1 F. A PUBLIC EDUCATIONAL INSTITUTION MAY NOT WITHHOLD OR CONCEAL
2 INFORMATION FROM, OR FACILITATE, ENCOURAGE OR COERCE A STUDENT TO WITHHOLD
3 OR CONCEAL INFORMATION FROM, THE STUDENT'S PARENTS ABOUT ANY OF THE
4 FOLLOWING:

5 1. THE STUDENT'S CURRICULAR OR EXTRACURRICULAR PROJECTS,
6 ASSIGNMENTS OR ACTIVITIES.

7 2. THE STUDENT'S PHYSICAL, EMOTIONAL OR MENTAL HEALTH.

8 3. THE STUDENT'S PURPORTED GENDER IDENTITY OR REQUESTED TRANSITION
9 IF THE STUDENT'S PURPORTED GENDER IDENTITY IS INCONGRUOUS WITH THE
10 STUDENT'S BIOLOGICAL SEX.

11 G. A PARENT MAY SUBMIT A WRITTEN COMPLAINT THAT DETAILS ANY
12 VIOLATION OF THIS SECTION TO THE PUBLIC EDUCATIONAL INSTITUTION. IF
13 DESIRED BY THE PARENT, THE PARENT IS ENTITLED TO A MEETING WITH THE
14 SUPERINTENDENT OR PRINCIPAL TO DISCUSS THE COMPLAINT. THE SUPERINTENDENT
15 OR PRINCIPAL SHALL INVESTIGATE THE COMPLAINT AND RESPOND TO THE PARENT IN
16 WRITING WITHIN FOURTEEN DAYS AFTER RECEIVING THE COMPLAINT AND DESCRIBE
17 THE ACTIONS THAT WILL BE TAKEN TO REMEDY THE COMPLAINT.

18 H. A PARENT MAY APPEAL THE ACTIONS OF THE SUPERINTENDENT OR
19 PRINCIPAL TO THE BOARD OR GOVERNING BODY BY SUBMITTING A WRITTEN COMPLAINT
20 THAT DETAILS THE VIOLATION OF THIS SECTION AND A DESCRIPTION OF WHY THE
21 ACTIONS FAILED TO REMEDY THE COMPLAINT. THE BOARD OR GOVERNING BODY SHALL
22 APPOINT A COMMITTEE TO INVESTIGATE ANY SUCH COMPLAINTS. THE COMMITTEE
23 SHALL MEET WITH THE PARENT TO DISCUSS THE COMPLAINT. WITHIN THIRTY DAYS
24 AFTER RECEIVING THE COMPLAINT, THE COMMITTEE SHALL SUBMIT A RECOMMENDED
25 RESPONSE AND PROPOSED STEPS TO REMEDY THE COMPLAINT TO THE FULL BOARD OR
26 GOVERNING BODY FOR ACTION BY THE BOARD OR GOVERNING BODY AT THE NEXT
27 REGULARLY SCHEDULED MEETING.

28 I. IF THE ACTION OF THE BOARD OR GOVERNING BODY DOES NOT REMEDY THE
29 COMPLAINT, A PARENT MAY FILE SUIT AGAINST A SCHOOL DISTRICT OR CHARTER
30 SCHOOL THAT VIOLATES SUBSECTION A OF THIS SECTION IN THE SUPERIOR COURT IN
31 THE COUNTY IN WHICH THE VIOLATION OCCURS. THIS SECTION DOES NOT PRECLUDE
32 A PARENT FROM FILING A SUIT ASSERTING A VIOLATION OF THIS SECTION OR ANY
33 OTHER CLAIM OTHERWISE ALLOWED BY LAW.

34 J. A PARENT WHO SUCCESSFULLY ASSERTS A CLAIM UNDER SUBSECTION I OF
35 THIS SECTION MAY RECOVER DECLARATORY RELIEF, INJUNCTIVE RELIEF TO PREVENT
36 OR REMEDY A VIOLATION OF SUBSECTION I OF THIS SECTION OR THE EFFECTS OF
37 THE VIOLATION, LIQUIDATED DAMAGES OF \$5,000 PER VIOLATION, REASONABLE
38 ATTORNEY FEES AND COSTS, AND ANY OTHER APPROPRIATE RELIEF.

39 ~~F.~~ K. For the purposes of this section:

40 1. "BIOLOGICAL SEX" HAS THE SAME MEANING PRESCRIBED IN SECTION
41 32-3230.

42 2. "BOARD OR GOVERNING BODY" INCLUDES A SCHOOL DISTRICT GOVERNING
43 BOARD, A CHARTER SCHOOL GOVERNING BODY, THE ARIZONA STATE SCHOOLS FOR THE
44 DEAF AND THE BLIND BOARD OF DIRECTORS AND ANY COUNTY BOARD OF SUPERVISORS
45 THAT OPERATES AN ACCOMMODATION SCHOOL.

1 3. "GENDER INCONGRUENCE" MEANS A DIFFERENCE BETWEEN AN INDIVIDUAL'S
2 BIOLOGICAL SEX AND THE INDIVIDUAL'S PERCEIVED OR DESIRED GENDER.

3 ~~4.~~ 4. "Objects to any learning material or activity on the basis
4 that the material or activity is harmful" means objecting to the material
5 or activity because of sexual content, violent content or profane or
6 vulgar language.

7 ~~5.~~ 5. "Public educational institution" means any of the following:

8 (a) A school district, including its schools.

9 (b) A charter school.

10 (c) An accommodation school.

11 (d) The Arizona state schools for the deaf and the blind.

12 Sec. 6. Section 15-143, Arizona Revised Statutes, is amended to
13 read:

14 15-143. Educational records; rights of parents

15 A. In accordance with the rights secured under section 1-602,
16 subsection A, paragraph 2, a parent shall have access to all written and
17 electronic records of a school district or charter school or a school
18 district or charter school employee OR ANY PERSON OR ORGANIZATION THAT IS
19 HIRED, CONTRACTED OR AUTHORIZED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL
20 TO PROVIDE SERVICES TO STUDENTS concerning the parent's child and to all
21 electronic accounts of the parent's child, including all of the following:

22 1. Attendance records.

23 2. ~~Test~~ Scores of school-administered tests and statewide
24 assessments.

25 3. Grades.

26 4. Extracurricular activities or club participation.

27 5. Disciplinary records.

28 6. Counseling records.

29 7. Psychological records.

30 8. Applications for admission.

31 9. Health and immunization information, including any medical
32 records that are maintained by a health clinic or medical facility
33 operated or controlled by the school district or charter school or that
34 are located on school district or charter school property.

35 10. Teacher and counselor evaluations.

36 11. Reports of behavioral patterns.

37 12. Email accounts.

38 13. Online or virtual accounts or data.

39 B. A parent may file suit against a school district or charter
40 school that violates subsection A of this section in the superior court in
41 the county in which the violation occurs. This section does not preclude
42 a parent from filing a suit asserting a violation of this section or any
43 other claim otherwise allowed by law.

- 1 C. A parent who successfully asserts a claim under subsection A of
2 this section may recover:
- 3 1. Declaratory relief.
 - 4 2. Injunctive relief to prevent or remedy a violation of subsection
5 A of this section or the effects of the violation.
 - 6 3. Reasonable attorney fees and costs.
 - 7 4. LIQUIDATED DAMAGES OF \$5,000 PER VIOLATON.
 - 8 ~~4.~~ 5. Any other appropriate relief.