

REFERENCE TITLE: parents' bill of rights; remedies

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2249

Introduced by
Representative Fink

AN ACT

AMENDING SECTION 1-602, ARIZONA REVISED STATUTES; RELATING TO THE PARENTS' BILL OF 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; civil actions;
6 definitions

7 A. All parental rights are exclusively reserved to a parent of a
8 minor child without obstruction or interference from this state, any
9 political subdivision of this state, any other governmental entity or any
10 other institution, including:

11 1. The right to direct the education of the minor child.

12 2. All rights of parents identified in title 15, including the
13 right to access and review all records relating to the minor child.

14 3. The right to direct the upbringing of the minor child.

15 4. The right to direct the moral or religious training of the minor
16 child.

17 5. The right to make all health care decisions for the minor child,
18 including rights pursuant to sections 15-873, 36-2271 and 36-2272, unless
19 otherwise prohibited by law.

20 6. The right to request, access and review all written and
21 electronic medical records of the minor child unless otherwise prohibited
22 by law or unless the parent is the subject of an investigation of a crime
23 committed against the minor child and a law enforcement official requests
24 that the information not be released.

25 7. The right to consent in writing before a biometric scan of the
26 minor child is made pursuant to section 15-109.

27 8. The right to consent in writing before any record of the minor
28 child's blood or deoxyribonucleic acid is created, stored or shared,
29 except as required by section 36-694, or before any genetic testing is
30 conducted on the minor child pursuant to section 12-2803 unless authorized
31 pursuant to section 13-610 or a court order.

32 9. The right to consent in writing before this state or any of its
33 political subdivisions makes a video or voice recording of the minor
34 child, unless the video or voice recording is made during or as a part of
35 a court proceeding, by law enforcement officers during or as part of a law
36 enforcement investigation, during or as part of an interview in a criminal
37 or child safety services investigation or to be used solely for any of the
38 following:

39 (a) Safety demonstrations, including the maintenance of order and
40 discipline in the common areas of a school or on pupil transportation
41 vehicles.

42 (b) A purpose related to a legitimate academic or extracurricular
43 activity.

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

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

1 (e) A photo identification card.

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

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

14 12. THE RIGHT TO CONSENT IN WRITING AND BE INFORMED IF ANY SCHOOL
15 EMPLOYEE FACILITATES OR IMPLEMENTS ANY FORM OF SOCIAL TRANSITIONING FOR
16 THE MINOR CHILD, INCLUDING ADDRESSING OR REFERRING TO THE MINOR CHILD BY A
17 NAME OR NICKNAME OTHER THAN THE MINOR CHILD'S LEGAL NAME OR A NATURAL
18 DERIVATIVE OF THAT NAME OR REFERRING TO THE MINOR CHILD USING PRONOUNS,
19 TITLES OR PERSONAL IDENTIFIERS THAT DO NOT ALIGN WITH THE MINOR CHILD'S
20 SEX.

21 13. IN ADDITION TO THE REQUIREMENTS PRESCRIBED IN PARAGRAPH 2 OF
22 THIS SUBSECTION, THE RIGHT TO REQUEST, REVIEW AND ACCESS THE MINOR CHILD'S
23 COMPLETE EDUCATIONAL RECORD. A SCHOOL EMPLOYEE MAY NOT WITHHOLD
24 INFORMATION FROM A PARENT REGARDING THE PARENT'S MINOR CHILD, INCLUDING
25 ANY INFORMATION IN THE MINOR CHILD'S EDUCATIONAL RECORD REGARDING THE
26 MINOR CHILD'S PHYSICAL, EMOTIONAL, MENTAL OR ACADEMIC WELL-BEING.

27 B. This section does not authorize or allow a parent to engage in
28 conduct that is unlawful or to abuse or neglect a child in violation of
29 the laws of this state. This section does not prohibit courts, law
30 enforcement officers or employees of a government agency responsible for
31 child welfare from acting in their official capacity within the scope of
32 their authority. This section does not prohibit a court from issuing an
33 order that is otherwise allowed by law.

34 C. Any attempt to FACILITATE, encourage or coerce OR ANY COMPLETED
35 ACT THAT FACILITATES, ENCOURAGES OR COERCES a minor child to withhold
36 information from the child's parent is grounds for discipline of an
37 employee of this state, any political subdivision of this state, any other
38 governmental entity or any other institution, except for law enforcement
39 personnel WHO HAVE PROBABLE CAUSE TO BELIEVE THAT A CRIME WAS COMMITTED BY
40 THE MINOR CHILD'S PARENT AND WHO WITHHOLDS THAT INFORMATION IN THE COURSE
41 OF AN INVESTIGATION OF THAT CRIME. THIS STATE, A POLITICAL SUBDIVISION OF
42 THIS STATE, A GOVERNMENTAL ENTITY OR AN INSTITUTION MAY NOT MAINTAIN A
43 POLICY THAT ALLOWS AN EMPLOYEE TO FACILITATE, ENCOURAGE OR COERCE A MINOR
44 CHILD TO WITHHOLD INFORMATION FROM THE MINOR CHILD'S PARENT.

1 D. Unless those rights have been legally waived or legally
2 terminated, parents have inalienable rights that are more comprehensive
3 than those listed in this section. This chapter does not prescribe all
4 rights of parents or preempt or foreclose claims or remedies in support of
5 parental rights that are available under the constitution, statutes or
6 common law of this state. Unless otherwise required by law, the rights of
7 parents of minor children shall not be limited or denied.

8 E. Except as prescribed in subsections F and G of this section,
9 this state, a political subdivision of this state or any other
10 governmental entity, or any official of this state, a political
11 subdivision of this state or any other governmental entity acting under
12 color of law, shall not interfere with or usurp the fundamental right of
13 parents to direct the upbringing, education, health care and mental health
14 of their children. A parent may bring suit against a governmental entity
15 or official described in this subsection based on any violation of the
16 statutory rights set forth in this chapter or any other action that
17 interferes with or usurps the fundamental right of parents to direct the
18 upbringing, education, health care and mental health of their children in
19 the superior court in the county in which the violation or other action
20 occurs or in federal court, if authorized by federal law, or before an
21 administrative tribunal of appropriate jurisdiction. A parent may raise a
22 violation of this chapter as a claim or a defense.

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

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

30 2. That the method of interference or usurpation used by the
31 government is narrowly tailored and is not otherwise served by a less
32 restrictive means.

33 G. A governmental entity or official described in subsection E of
34 this section may interfere with or usurp the fundamental right of parents
35 to direct the upbringing, education, health care and mental health of
36 their children only if the governmental entity or official successfully
37 demonstrates both elements described in subsection F of this section. If
38 the governmental entity or official is unsuccessful, the court shall grant
39 appropriate relief, ~~such as~~ INCLUDING declaratory or injunctive relief,
40 compensatory damages and attorney fees, based on the facts of the case and
41 the law as applied to the facts. AT A MINIMUM, THE GOVERNMENTAL ENTITY IS
42 LIABLE TO THE MINOR CHILD'S PARENT IN AN AMOUNT OF \$500,000 AND A
43 GOVERNMENT OFFICIAL IS PERSONALLY LIABLE TO THE MINOR CHILD'S PARENT IN AN
44 AMOUNT OF \$20,000 FOR EACH SEPARATE INSTANCE OF INTERFERING WITH OR
45 USURPING A FUNDAMENTAL RIGHT. A GOVERNMENTAL ENTITY THAT EMPLOYS THE

1 OFFICIAL MAY NOT INDEMNIFY AN OFFENDING OFFICIAL AND MAY NOT USE PUBLIC
2 MONIES TO PAY FOR THE OFFICIAL'S LIABILITY. THE RIGHT TO SUE BELONGS
3 INDIVIDUALLY TO EACH OF THE MINOR CHILD'S PARENTS AND ONE PARENT MAY FILE
4 SUIT EVEN IF THE MINOR CHILD'S OTHER PARENT DOES NOT CONSENT TO THE
5 ACTION.

6 H. IN ADDITION TO SUBSECTION G OF THIS SECTION, A MINOR CHILD'S
7 PARENT MAY BRING SUIT AGAINST AN EMPLOYEE WHO HAS OR WHO HAS ATTEMPTED TO
8 FACILITATE, ENCOURAGE OR COERCE A MINOR CHILD TO WITHHOLD INFORMATION FROM
9 THE MINOR CHILD'S PARENT. AT A MINIMUM, AN EMPLOYEE WHO IS FOUND LIABLE
10 IS PERSONALLY LIABLE IN AN AMOUNT OF \$20,000 AND A GOVERNMENTAL ENTITY
11 THAT EMPLOYS THE EMPLOYEE MAY NOT INDEMNIFY AN OFFENDING EMPLOYEE AND MAY
12 NOT USE PUBLIC MONIES TO PAY FOR THE EMPLOYEE'S LIABILITY. A PARENT MAY
13 BRING SUIT AGAINST THIS STATE, ANY POLITICAL SUBDIVISION OF THIS STATE OR
14 ANY OTHER GOVERNMENTAL ENTITY OR INSTITUTION THAT MAINTAINS A POLICY THAT
15 ALLOWS THE FACILITATION, ENCOURAGEMENT OR COERCION BY THE EMPLOYEE OF A
16 MINOR CHILD TO WITHHOLD INFORMATION FROM THE MINOR CHILD'S PARENT. AT A
17 MINIMUM, THE GOVERNMENTAL ENTITY OR INSTITUTION THAT MAINTAINED THE POLICY
18 IS LIABLE TO THE MINOR CHILD'S PARENT FOR \$500,000 FOR EACH OCCURRENCE
19 WHERE INFORMATION WAS WITHHELD FROM THE MINOR CHILD'S PARENT. THE RIGHT
20 TO SUE BELONGS INDIVIDUALLY TO EACH OF THE MINOR CHILD'S PARENTS AND ONE
21 PARENT MAY FILE SUIT EVEN IF THE MINOR CHILD'S OTHER PARENT DOES NOT
22 CONSENT TO THE ACTION. THE STATUTE OF LIMITATIONS FOR AN ACTION COMMENCED
23 PURSUANT TO THIS SUBSECTION IS FIVE YEARS AFTER THE CONDUCT CEASED AND THE
24 MINOR CHILD'S PARENT BECAME AWARE OF THE CONDUCT.

25 I. A MINOR CHILD'S PARENT MAY DEMONSTRATE THAT A GOVERNMENTAL
26 ENTITY OR INSTITUTION MAINTAINED A POLICY OF FACILITATING, ENCOURAGING OR
27 COERCING A MINOR CHILD TO WITHHOLD INFORMATION FROM THE MINOR CHILD'S
28 PARENT THROUGH ANY OF THE FOLLOWING:

29 1. WRITTEN DOCUMENTS THAT ARE MAINTAINED BY THE GOVERNMENTAL ENTITY
30 OR INSTITUTION, INCLUDING AS GUIDANCE OR POLICY DOCUMENTS, EMAILS,
31 MEMORANDA OR SPREADSHEETS.

32 2. DEMONSTRATING THAT A PERSON WHO HAS SUPERVISORY AUTHORITY IN THE
33 GOVERNMENTAL ENTITY OR INSTITUTION REQUIRED OR RECOMMENDED THAT EMPLOYEES
34 ENGAGE IN THE CONDUCT.

35 3. DEMONSTRATING THAT THE GOVERNMENTAL ENTITY'S OR INSTITUTION'S
36 EMPLOYEES REGULARLY ENGAGED IN THE CONDUCT.

37 J. WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO
38 THIS SECTION, THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE OR A
39 GOVERNMENTAL ENTITY OR INSTITUTION, INCLUDING AN EDUCATIONAL INSTITUTION,
40 OR AN EMPLOYEE OF THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE OR A
41 GOVERNMENTAL ENTITY OR INSTITUTION THAT FACILITATED, ENCOURAGED OR
42 COERCED, OR ATTEMPTED TO FACILITATE, ENCOURAGE OR COERCE, A MINOR CHILD TO
43 WITHHOLD INFORMATION FROM THE MINOR CHILD'S PARENT BEFORE THE EFFECTIVE
44 DATE OF THIS AMENDMENT TO THIS SECTION SHALL DISCLOSE THE OFFENDING ACTION
45 TO THE MINOR CHILD'S PARENT. THIS STATE, A POLITICAL SUBDIVISION OF THIS

1 STATE OR A GOVERNMENTAL ENTITY OR INSTITUTION, INCLUDING AN EDUCATIONAL
2 INSTITUTION, OR AN EMPLOYEE OF THIS STATE, A POLITICAL SUBDIVISION OF THIS
3 STATE OR A GOVERNMENTAL ENTITY OR INSTITUTION IS CIVILLY LIABLE TO THE
4 PARENT OF A MINOR CHILD FOR ANY VIOLATION THAT WAS NOT DISCLOSED PURSUANT
5 TO THIS SUBSECTION. THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE OR
6 A GOVERNMENTAL ENTITY OR INSTITUTION, INCLUDING AN EDUCATIONAL
7 INSTITUTION, IS LIABLE TO THE MINOR CHILD'S PARENT FOR AT LEAST \$500,000
8 FOR EACH SEPARATE ACT THAT WAS NOT DISCLOSED TO THE MINOR CHILD'S PARENT.
9 AN EMPLOYEE OF THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE OR A
10 GOVERNMENTAL ENTITY OR INSTITUTION IS PERSONALLY LIABLE TO THE MINOR
11 CHILD'S PARENT FOR AT LEAST \$20,000 FOR EACH SEPARATE ACT THAT WAS NOT
12 DISCLOSED TO THE MINOR CHILD'S PARENT. A GOVERNMENTAL ENTITY OR
13 INSTITUTION MAY NOT INDEMNIFY AN OFFENDING EMPLOYEE AND MAY NOT USE PUBLIC
14 MONIES TO PAY FOR THE EMPLOYEE'S LIABILITY OR AN INSURANCE POLICY TO COVER
15 THE CIVIL LIABILITY.

16 ~~H.~~ K. For the purposes of this section: ~~;~~

17 1. "EDUCATIONAL RECORD" INCLUDES ATTENDANCE RECORDS, TEST SCORES
18 FROM SCHOOL-ADMINISTERED TESTS AND STATEWIDE ASSESSMENTS, GRADES,
19 EXTRACURRICULAR ACTIVITY OR CLUB PARTICIPATION RECORDS, EMAIL ACCOUNT
20 RECORDS, ONLINE OR VIRTUAL ACCOUNTS OR DATA, DISCIPLINARY RECORDS,
21 COUNSELING RECORDS, PSYCHOLOGICAL RECORDS, APPLICATIONS FOR ADMISSION,
22 HEALTH AND IMMUNIZATION INFORMATION, INCLUDING ANY MEDICAL RECORDS
23 MAINTAINED BY A HEALTH CLINIC OR MEDICAL FACILITY THAT IS OPERATED OR
24 CONTROLLED BY A SCHOOL DISTRICT OR THAT IS LOCATED ON SCHOOL DISTRICT
25 PROPERTY, TEACHER AND COUNSELOR EVALUATIONS, REPORTS OF THE MINOR CHILD'S
26 BEHAVIORAL PATTERNS, THERAPY NOTES AND TREATMENT PLAN.

27 2. "Parent" means the natural or adoptive parent or legal guardian
28 of a minor child.

29 3. "SOCIAL TRANSITIONING" MEANS THE PROCESS IN WHICH A PERSON GOES
30 FROM IDENTIFYING WITH AND LIVING AS A GENDER THAT CORRESPONDS TO THE
31 PERSON'S SEX TO IDENTIFYING WITH AND LIVING AS A GENDER THAT IS DIFFERENT
32 FROM THE PERSON'S SEX AND MAY INVOLVE SOCIAL, LEGAL OR PHYSICAL CHANGES.