



1 education, health care and mental health of their children is a  
2 fundamental right.

3 (b) This state, a political subdivision of this state or other  
4 governmental unit may not infringe on the fundamental rights  
5 without demonstrating that a compelling governmental interest as  
6 applied to the child involved is of the highest order, is narrowly  
7 tailored and is not otherwise served by a less restrictive means.

8 (c) Unless a parents' fundamental rights have been legally  
9 waived or legally terminated, parents have inalienable rights that  
10 are more comprehensive than those identified in section three of  
11 this article. The Parents' Bill of Rights does not prescribe all  
12 rights of parents. Unless otherwise required by law, the rights of  
13 parents of minor children shall not be limited or denied.

14 (d) As used in this article, "parent" means the natural or  
15 adoptive parent or legal guardian of a minor child.

16 **§44-10A-3. Specific parental rights.**

17 All parental rights are reserved to a parent of a minor child  
18 without obstruction or interference from this state, a political  
19 subdivision of this state, other governmental entity or other  
20 institution including, but not limited to, the following rights:

21 (1) The right to direct the education of the minor child;

22 (2) All rights of parents identified in chapter eighteen of  
23 this code including the right to access and review all school  
24 records relating to the minor child;

1       (3) The right to direct the upbringing of the minor child;

2       (4) The right to direct the moral or religious training of  
3 the minor child;

4       (5) The right to make health care decisions for the minor  
5 child unless otherwise prohibited by law;

6       (6) The right to access and review all medical records of the  
7 minor child unless otherwise prohibited by law or the parent is the  
8 subject of an investigation of a crime committed against the minor  
9 child and a law-enforcement official requests that the information  
10 not be released;

11       (7) The right to consent in writing before a biometric scan  
12 of the minor child is made;

13       (8) The right to consent in writing before a record of the  
14 minor child's blood or deoxyribonucleic acid (DNA) is created,  
15 stored or shared;

16       (9) The right to consent in writing before the state or its  
17 political subdivisions make a video or voice recording of the minor  
18 child unless the video or voice recording is made during or as a  
19 part of a court proceeding, by law-enforcement officers during or  
20 as part of a law-enforcement investigation, during or as part of a  
21 forensic interview in a criminal or child protective services  
22 investigation or to be used solely for any of the following:

23       (A) Safety demonstrations including the maintenance of order  
24 and discipline in the common areas of a school or on student

1 transportation vehicles;

2 (B) A purpose related to a legitimate academic or  
3 extracurricular activity;

4 (C) A purpose related to regular classroom instruction;

5 (D) Security or surveillance of buildings or grounds; or

6 (E) A photo identification card; and

7 (10) The right to be notified promptly if an employee of this  
8 state, a political subdivision of this state, other governmental  
9 entity or other institution suspects that a criminal offense has  
10 been committed against the minor child by someone other than a  
11 parent unless the incident has first been reported to law  
12 enforcement and notification of the parent would impede a law  
13 enforcement or child protective services investigation.

14 **§44-10A-4. Limitations of article.**

15 (a) This article does not authorize or allow a parent to  
16 engage in conduct that is unlawful or to abuse or neglect a child  
17 in violation of the laws of this state and does not apply to a  
18 parental action or decision that would end life. This article does  
19 not prohibit courts, law-enforcement officers or employees of a  
20 government agency responsible for child welfare from acting in  
21 their official capacity within the reasonable and prudent scope of  
22 their authority, and does not prohibit a court from issuing an  
23 order that is otherwise permitted by law.

24 (b) This article does not create a new obligation for schools

1 to report misconduct between students at school, such as fighting  
2 or aggressive play, that is routinely addressed as a student  
3 disciplinary matter by the school.

4 **§44-10A-5. Discipline of state employee for interference.**

5 An attempt to encourage or coerce a minor child to withhold  
6 information from the child's parent is grounds for discipline of an  
7 employee of this state, a political subdivision of this state or  
8 other governmental entity except for law-enforcement personnel.

NOTE: The purpose of this bill is to codify a Parents' Bill of Rights.

This article is new; therefore, it has been completely underscored.