

LC003318

## IN GENERAL ASSEMBLY

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## RELATING TO HEALTH AND SAFETY - PARENTS' BILL OF RIGHTS ACT

Referred To: Senate Judiciary

1           SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
2   amended by adding thereto the following chapter:

## PARENTS' BILL OF RIGHTS ACT

The general assembly finds that it is a fundamental right of parents to direct the upbringing, education, and care of their minor children. The general assembly further finds that important information relating to a minor child should not be withheld, either inadvertently or purposefully, from their parents, including information relating to the minor child's health, well-being, and education, while the minor child is in the custody of the school district. The general assembly further finds it is necessary to establish a consistent mechanism for parents to be notified of information relating to the health and well-being of their minor children.

(a) The state, any of its political subdivisions, any other governmental entity, or any other institution may not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of their minor child, without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is

1 narrowly tailored and is not otherwise served by a less restrictive means.

2 (b) For purposes of this chapter, the term "parent" means a person who has legal custody  
3 of a minor child as a natural or adoptive parent or a legal guardian.

4 **23-106-4. Parental rights.**

5 (a) All parental rights are reserved to the parent of a minor child in this state without  
6 obstruction or interference from the state, any of its political subdivisions, any other governmental  
7 entity, or any other institution, including, but not limited to, all of the following:

8 (1) The right to direct the education and care of their minor child.

9 (2) The right to direct the upbringing and the moral and religious training of their minor  
10 child.

11 (3) The right to apply to enroll their minor child in a public school or, as an alternative to  
12 public education, a private school, including a religious school, a home education program, or other  
13 available options, as authorized by law.

14 (4) The right to access and review all school records relating to their minor child.

15 (5) The right to make health care decisions for their minor child, unless otherwise provided  
16 by law.

17 (6) The right to access and review all medical records of their minor child unless prohibited  
18 by law, or if the parent is the subject of an investigation of a crime committed against the minor  
19 child, the records may be withheld, if a law enforcement agency or official upon application to a  
20 court of competent jurisdiction obtains an order that the information is not to be released.

21 (7) The right to consent in writing before a biometric scan of their minor child is made,  
22 shared, or stored.

23 (8) The right to consent in writing before any record of their minor child's blood or  
24 deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by law or authorized  
25 pursuant to a court order.

26 (9) The right to consent in writing before the state or any of its political subdivisions makes  
27 a video or voice recording of their minor child unless such recording is made during or as part of a  
28 court proceeding or is made as part of a forensic interview in a criminal or department of children,  
29 youth and families investigation or is to be used solely for the following:

30 (i) A safety demonstration, including the maintenance of order and discipline in the  
31 common areas of a school or on student transportation vehicles;

32 (ii) A purpose related to a legitimate academic or extracurricular activity;

33 (iii) A purpose related to regular classroom instructions;

34 (iv) Security or surveillance of buildings or grounds; or

1           (v) A photo identification card.

2           (10) The right to be notified promptly if an employee of the state, any of its political  
3 subdivisions, any other governmental entity, or any other institution suspects that a criminal offense  
4 has been committed against their minor child, unless the incident has first been reported to law  
5 enforcement or the department of children, youth and families and notifying the parents would  
6 impede the investigation.

7           (b) This section does not:

8           (1) Authorize a parent of a minor child in this state to engage in conduct that is unlawful  
9 or to abuse or neglect their minor child in violation of law;

10          (2) Condone, authorize, approve, or apply to a parental action or decision that would end  
11 life;

12          (3) Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a  
13 government agency that is responsible for child welfare from acting in their official capacity within  
14 the reasonable and prudent scope of their authority; or

15          (4) Prohibit a court of competent jurisdiction from issuing an order that is otherwise  
16 permitted by law.

17          (c) An employee of the state, any of its political subdivisions, or any other governmental  
18 entity who encourages or coerces, or attempts to encourage or coerce, a minor child to withhold  
19 information from their parent may be subject to disciplinary action.

20          (d) A parent of a minor child in this state has inalienable rights that are more comprehensive  
21 than those listed in this section, unless such rights have been legally waived or terminated. This  
22 chapter does not prescribe all rights to a parent of a minor child in this state. Unless required by  
23 law, the rights of a parent of a minor child in this state may not be limited or denied. This chapter  
24 may not be construed to apply to a parental action or decision that would end life.

25           **23-106-5. Parental consent for healthcare services.**

26          (a) Except as otherwise provided by law, a healthcare provider or professional, as defined  
27 in § 27-19-1, or an individual employed by such healthcare practitioner may not provide or solicit  
28 or arrange to provide healthcare services or prescribe medicinal drugs to a minor child without first  
29 obtaining written parental consent.

30          (b) Except as otherwise provided by law or a court order, a healthcare provider may not  
31 allow a medical procedure to be performed on a minor child in its facility without first obtaining  
32 written parental consent.

33          (c) This section does not apply to an abortion, which is governed by chapter 4.13 of title  
34 23.

1        (d) This section does not apply to services provided by a clinical laboratory, unless the  
2 services are delivered through a direct encounter with the minor at the clinical laboratory facility.  
3 For purposes of this subsection, the term "clinical laboratory" has the same meaning as provided in  
4 § 23-16.2-2.

5        **23-106-6. Penalties.**

6        Any healthcare provider, professional or other person who violates this section is subject  
7 to disciplinary action pursuant to chapter 37 of title 5, as applicable, and commits a misdemeanor  
8 punishable by imprisonment for a term not exceeding one year or by a fine of not more than one  
9 thousand dollars (\$1,000) and/or an administrative fine of one thousand dollars (\$1,000) for each  
10 violation, as applicable.

11        SECTION 2. Chapter 16-71 of the General Laws entitled "The Rhode Island Educational  
12 Records Bill of Rights" is hereby amended by adding thereto the following section:

13        **16-71-7. School district notifications on parental rights.**

14        (a) Each district school board shall, in consultation with parents, teachers, and  
15 administrators, develop and adopt a policy to promote parental involvement in the public school  
16 system. Such policy shall include:

17        (1) A plan for parental participation in schools to improve parent and teacher cooperation  
18 in such areas as homework, school attendance, and discipline.

19        (2) A procedure for parents to learn about their minor child's course of study, including the  
20 source of any supplemental education materials.

21        (3) Procedures for parents to object to curriculum materials to be considered for use  
22 pursuant to the provisions of chapter 22 of title 16, and other materials used in the classroom. Such  
23 objections may be based on beliefs regarding morality, sex, and religion or the belief that such  
24 materials are harmful. For purposes of this chapter, curriculum may include other materials used in  
25 the classroom, including workbooks and worksheets, handouts, software, applications, and any  
26 digital media made available to students.

27        (4) Procedures, pursuant to § 16-22-18, for a parent to withdraw their minor child from any  
28 portion of the school district's comprehensive health education required that relates to sex education  
29 or instruction in acquired immune deficiency syndrome education or any instruction regarding  
30 sexuality if the parent provides a written objection to their minor child's participation. Such  
31 procedures shall provide for a parent to be notified in advance of such course content in order that  
32 they may withdraw their minor child from those portions of the course.

33        (5) Procedures for a parent to learn about the nature and purpose of clubs and activities  
34 offered at their minor child's school, including those clubs and activities that are extracurricular or

1 part of the school curriculum.

2 (6) Procedures for parents to learn about parental rights and responsibilities under the law,  
3 including all of the following:

4 (i) Pursuant to § 16-22-18, the right to opt their minor child out of any portion of the school  
5 district's comprehensive health education that relates to sex education instruction in acquired  
6 immune deficiency syndrome education or any instruction regarding sexuality.

7 (ii) A plan to disseminate information, about school choice options, including open  
8 enrollment.

9 (iii) In accordance with § 16-38-2, the right of a parent to exempt their minor child from  
10 immunizations.

11 (iv) The right of a parent to review statewide, standardized assessment results.

12 (v) The right of a parent to enroll their minor child in gifted or special education programs.

13 (vi) The right of a parent to inspect school district instructional materials.

14 (vii) The right of a parent to access information relating to the school district's policies for  
15 promotion or retention, including high school graduation requirements.

16 (viii) The right of a parent to receive a school report card and be informed of their minor  
17 child's attendance requirements.

18 (ix) The right of a parent to access information relating to the state public education system,  
19 state standards, report card requirements, attendance requirements, and instructional materials  
20 requirements.

21 (x) The right of a parent to participate in parent-teacher associations and organizations that  
22 are sanctioned by a district school board or the department of education.

23 (xi) The right of a parent to opt out of any district-level data collection relating to their  
24 minor child not required by law.

25 (b) A district school board may provide the information required in this section  
26 electronically or post such information on its website.

27 (c) A parent may request, in writing, from the district school superintendent the information  
28 set forth in and required under this section. Within ten (10) days, the district school superintendent  
29 shall provide the information to the parent. If the district school superintendent denies a parent's  
30 request for information or does not respond to the parent's request within ten (10) days, the parent  
31 may appeal the denial to the district school board. If possible, the district school board shall place  
32 a parent's appeal on the agenda for its next public meeting. If it is too late for a parent's appeal to  
33 appear on the next agenda, the appeal shall be included on the agenda for the subsequent meeting.

34 (d) The governing body of a school who violates or allows the violation of this section shall

1 be liable for a civil penalty, not less than one thousand dollars (\$1,000) per instance. This penalty  
2 shall be assessed and recovered in a civil action brought by the attorney general in any court of  
3 competent jurisdiction. Any penalty assessed and recovered in an action brought pursuant to this  
4 subsection shall be paid to the general treasurer and added to the general fund.

5       SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY - PARENTS' BILL OF RIGHTS ACT

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1           This act would provide for a parents' bill of rights preventing the state or any governmental  
2   entity from infringing on the fundamental rights of parents in the upbringing of their children. The  
3   act would spell out the rights of parents with respect to the health, education and welfare of their  
4   minor children. Violations of the act would result in civil, criminal and/or administrative penalties.  
5           This act would take effect upon passage.

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