

REFERENCE TITLE: parents' bill of rights

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# **SB 1392**

Introduced by  
Senators Gray C, Johnson

AN ACT

AMENDING TITLE 1, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 6; RELATING TO PARENTS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 1, Arizona Revised Statutes, is amended by adding  
3 chapter 6, to read:

4 CHAPTER 6

5 PARENTS' RIGHTS

6 ARTICLE 1. PARENTS' BILL OF RIGHTS

7 1-601. Parents' bill of rights; grievance procedures;  
8 exceptions; definitions

9 A. THE FOLLOWING RIGHTS ARE RESERVED TO A PARENT OR LEGAL GUARDIAN OF  
10 A MINOR CHILD WITHOUT OBSTRUCTION OR INTERFERENCE FROM ANY GOVERNMENTAL  
11 ENTITY OR FROM ANY EMPLOYEE OF A GOVERNMENTAL ENTITY:

12 1. THE EDUCATION OF THE MINOR CHILD, INCLUDING THE RIGHT TO ACCESS AND  
13 REVIEW THE FOLLOWING:

- 14 (a) ATTENDANCE RECORDS.
- 15 (b) TEST SCORES.
- 16 (c) GRADES.
- 17 (d) DISCIPLINARY RECORDS.
- 18 (e) COUNSELING RECORDS.
- 19 (f) PSYCHOLOGICAL RECORDS.
- 20 (g) APPLICATIONS FOR ADMISSION.
- 21 (h) HEALTH AND IMMUNIZATION INFORMATION.
- 22 (i) EVALUATIONS OF THE CHILD BY TEACHERS AND COUNSELORS.
- 23 (j) THE CONTENT OF THE CHILD'S COURSE OF STUDY.
- 24 (k) REPORTS OF BEHAVIOR PATTERNS.

25 2. THE UPBRINGING OF THE MINOR CHILD.

26 3. DISCIPLINE OF THE MINOR CHILD.

27 4. THE MORAL OR RELIGIOUS TRAINING OF THE MINOR CHILD.

28 5. HEALTH CARE DECISIONS FOR THE MINOR CHILD, INCLUDING DECISIONS  
29 RELATING TO MENTAL HEALTH AND IMMUNIZATIONS. A PARENT OR LEGAL GUARDIAN OF A  
30 MINOR CHILD HAS THE RIGHT TO BE FULLY INFORMED OF ALL MEDICAL INFORMATION  
31 CONCERNING THE MINOR CHILD AND SHALL HAVE FULL ACCESS TO ALL MEDICAL RECORDS  
32 OF THE MINOR CHILD. A PARENT OR LEGAL GUARDIAN OF A MINOR CHILD HAS THE  
33 RIGHT TO MAKE MEDICAL DECISIONS FOR A MINOR CHILD, INCLUDING WHETHER OR NOT  
34 TO CONDUCT A MEDICAL PROCEDURE, A MENTAL HEALTH PROCEDURE OR AN IMMUNIZATION  
35 BEFORE THE MEDICAL PROCEDURE, MENTAL HEALTH PROCEDURE OR IMMUNIZATION IS  
36 CONDUCTED.

37 B. A PARENT OR LEGAL GUARDIAN OF A MINOR CHILD HAS THE RIGHT TO:

38 1. CONSENT IN WRITING BEFORE ANY BIOMETRICAN SCAN OF A MINOR CHILD IS  
39 MADE.

40 2. CONSENT IN WRITING BEFORE MENTAL HEALTH SCREENING OF THE MINOR  
41 CHILD.

42 3. CONSENT IN WRITING BEFORE IMMUNIZATION OF A MINOR CHILD.

43 4. PETITION TO ALLOW THE MINOR CHILD TO ATTEND ANOTHER SCHOOL, PROGRAM  
44 OR CLASS.

1           5. REASONABLE ACCESS TO REQUEST THE REASSIGNMENT OF THE MINOR CHILD TO  
2 ANOTHER CLASS OR TEACHER UNLESS THE REASSIGNMENT WOULD ADVERSELY AFFECT THE  
3 ASSIGNMENT OR REASSIGNMENT OF ANOTHER CHILD.

4           6. REQUEST, WITH THE EXPECTATION THAT THE REQUEST WILL NOT BE  
5 UNREASONABLY DENIED, THAT THE MINOR CHILD BE PERMITTED TO GRADUATE EARLY  
6 FROM HIGH SCHOOL IF THE CHILD MEETS THE GRADUATION REQUIREMENTS PRESCRIBED IN  
7 SECTION 15-701.01. A CHILD WHO IS PERMITTED TO GRADUATE EARLY AS PRESCRIBED  
8 IN THIS PARAGRAPH SHALL BE PERMITTED TO PARTICIPATE IN GRADUATION CEREMONIES  
9 AT THE TIME THAT THE CHILD GRADUATES FROM HIGH SCHOOL.

10          C. A GOVERNMENTAL ENTITY SHALL OBTAIN THE WRITTEN CONSENT OF A MINOR  
11 CHILD'S PARENT OR LEGAL GUARDIAN BEFORE A VIDEO OR VOICE RECORDING OF ANY  
12 MINOR CHILD IS MADE. PRIOR WRITTEN CONSENT OF THE CHILD'S PARENT OR LEGAL  
13 GUARDIAN IS NOT REQUIRED TO MAKE A VIDEO OR VOICE RECORDING OF A CHILD IF THE  
14 VIDEO OR VOICE RECORDING IS TO BE USED SOLELY FOR ANY OF THE FOLLOWING  
15 PURPOSES:

16           1. SAFETY DEMONSTRATIONS, INCLUDING THE MAINTENANCE OF ORDER AND  
17 DISCIPLINE IN THE COMMON AREAS OF A SCHOOL OR ON PUPIL TRANSPORTATION  
18 VEHICLES.

19           2. A PURPOSE RELATED TO A LEGITIMATE ACADEMIC OR EXTRACURRICULAR  
20 ACTIVITY.

21           3. A PURPOSE RELATED TO REGULAR CLASSROOM INSTRUCTION.

22           4. SECURITY OR SURVEILLANCE OF BUILDINGS OR GROUNDS.

23           5. A PHOTO IDENTIFICATION CARD.

24          D. A GOVERNMENTAL ENTITY SHALL NOT USE OR THREATEN TO USE THE REFUSAL  
25 OF A PARENT OR LEGAL GUARDIAN OF A MINOR CHILD TO ADMINISTER OR CONSENT TO  
26 THE ADMINISTRATION OF ANY MEDICATION AS THE SOLE BASIS FOR MAKING A REPORT  
27 FOR NEGLECT OF THE CHILD UNLESS THE GOVERNMENTAL ENTITY HAS A DUTY TO REPORT  
28 PURSUANT TO SECTION 13-3620. THIS SUBSECTION SHALL NOT BE CONSTRUED TO  
29 PERMIT A PARENT OR LEGAL GUARDIAN TO ABUSE OR NEGLECT A CHILD IN VIOLATION OF  
30 THE LAWS OF THIS STATE.

31          E. ANY ATTEMPT TO ENCOURAGE OR COERCE A MINOR CHILD TO WITHHOLD  
32 INFORMATION FROM THE CHILD'S PARENT OR LEGAL GUARDIAN SHALL BE GROUNDS FOR  
33 DISCIPLINE OF AN EMPLOYEE OF A SCHOOL DISTRICT, CHARTER SCHOOL, COMMUNITY  
34 COLLEGE UNDER THE JURISDICTION OF A COMMUNITY COLLEGE DISTRICT OR UNIVERSITY  
35 UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS.

36          F. UNLESS OTHERWISE PROVIDED BY FEDERAL LAW OR BY OTHER STATE LAW, THE  
37 RIGHTS OF PARENTS OR LEGAL GUARDIANS OF MINOR CHILDREN SHALL NOT BE LIMITED  
38 OR DENIED.

39          G. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE OR ALLOW  
40 PARENTS OR LEGAL GUARDIANS OF MINOR CHILDREN TO ENGAGE IN CONDUCT THAT IS  
41 UNLAWFUL UNDER THE LAWS OF THIS STATE.

42          H. UNLESS THE NOTIFICATION WOULD IMPEDE A LAW ENFORCEMENT  
43 INVESTIGATION, A GOVERNMENTAL ENTITY SHALL PROMPTLY NOTIFY THE PARENT OR  
44 LEGAL GUARDIAN OF A MINOR CHILD IF AN EMPLOYEE OF A GOVERNMENTAL ENTITY  
45 SUSPECTS THAT THE MINOR CHILD HAS BEEN ABUSED OR NEGLECTED IN VIOLATION OF

1 THE LAWS OF THIS STATE OR IF THE EMPLOYEE SUSPECTS THAT A CRIMINAL OFFENSE  
2 HAS BEEN COMMITTED AGAINST THE CHILD.

3 I. EACH GOVERNMENTAL ENTITY SHALL DEVELOP GRIEVANCE PROCEDURES TO  
4 ADDRESS COMPLAINTS RECEIVED CONCERNING VIOLATIONS OF PARENTS' RIGHTS LISTED  
5 IN THIS SECTION.

6 J. THE PARENTS' AND LEGAL GUARDIANS' RIGHTS LISTED IN THIS SECTION ARE  
7 NOT EXCLUSIVE, AND THIS SECTION DOES NOT LIMIT A PARENT'S OR A LEGAL  
8 GUARDIAN'S RIGHTS UNDER ANY OTHER PROVISION OF LAW.

9 K. NOTHING IN THIS SECTION APPLIES TO LAW ENFORCEMENT OFFICERS WHO ARE  
10 ACTING IN THEIR OFFICIAL CAPACITY WITHIN THE SCOPE OF THEIR AUTHORITY AND IN  
11 THE LINE OF DUTY.

12 L. FOR THE PURPOSES OF THIS SECTION:

13 1. "BIOMETRIC SCAN"

14 (a) MEANS THE ELECTRONIC MEASUREMENT AND EVALUATION OF ANY PHYSICAL  
15 CHARACTERISTICS THAT ARE ATTRIBUTABLE TO A SINGLE PERSON, INCLUDING  
16 FINGERPRINT CHARACTERISTICS, EYE CHARACTERISTICS, HAND CHARACTERISTICS, VOCAL  
17 CHARACTERISTICS, FACIAL CHARACTERISTICS, DNA CHARACTERISTICS AND ANY OTHER  
18 PHYSICAL CHARACTERISTICS USED FOR THE PURPOSE OF ELECTRONICALLY IDENTIFYING  
19 THAT PERSON WITH A HIGH DEGREE OF CERTAINTY.

20 (b) INCLUDES VIDEO RECORDINGS OF PUPILS.

21 2. "GOVERNMENTAL ENTITY" MEANS ANY CITY, TOWN, COUNTY, SCHOOL  
22 DISTRICT, COMMUNITY COLLEGE DISTRICT OR OTHER POLITICAL SUBDIVISION OF THIS  
23 STATE, ANY PUBLIC UNIVERSITY, ANY COURT AND ANY AGENCY OR DEPARTMENT OF THIS  
24 STATE.

25 Sec. 2. Short title

26 This act may be cited as the "Parents' Bill of Rights Act".