

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H4/3/23 H4/7/23
A Bill

HOUSE BILL 1738

By: Representative McAlindon
By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO CREATE THE PARENTS' BILL OF RIGHTS; AND FOR
OTHER PURPOSES.

Subtitle

TO CREATE THE PARENTS' BILL OF RIGHTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 6, Chapter 18, is amended to add an additional subchapter to read as follows:

Subchapter 25 – Parents' Bill of Rights

6-18-2501. Title.

This subchapter shall be known and may be cited as the "Parents' Bill of Rights".

6-18-2502. Legislative findings.

The General Assembly finds that:

(1) This act shall require public school district boards of directors and governing bodies of open-enrollment public charter schools to adopt procedures that comport with certain provisions of law regarding the notification of a student's parent of specified information;

(2) Procedures for notification of a student's parent must reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children in a specified manner; and

(3) This act shall also prohibit public school personnel from



discouraging or prohibiting parental notification and involvement in critical decisions that affect students' mental, emotional, or physical well-being.

6-18-2503. Definitions.

As used in this subchapter:

(1)(A) "Parent" means an individual standing in parental relation to a student, including:

(i) The biological or adoptive parent of a student;

(ii) A student's legal guardian; and

(iii) A person standing in loco parentis to a student.

(B) "Parent" shall not include an individual:

(i) As to whom the parent-child relationship has been terminated; and

(ii) Not entitled to possession of or access to a child under a court order; and

(2)(A) "Sex" means the physical condition of being male or female based on genetics and physiology.

(B) A public school district or open-enrollment public charter school may rely upon a public school student's sex as identified on his or her original birth certificate issued at or near the time of his or her birth.

6-18-2504. Parental rights.

A parent shall be entitled to:

(1) Access all information that directly relates to his or her child, pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, from the public school in which his or her child is enrolled;

(2) Review, upon request, all of the following that are used in a classroom to which the parent's child is assigned, including while the parent's child is participating in virtual or remote learning, in conjunction with the right to challenge instructional materials under § 6-16-155:

(A) Teaching materials;

(B) Instructional materials;

(C) Required textbooks;

(D) Course syllabi;

(E) Lesson plans; and

(F) Other teaching aids;

(3)(A) Remove the parent's child temporarily from a class or other public school activity if the class or other public school activity conflicts with the parent's religious or moral beliefs.

(B) A parent who removes a child temporarily from a class or other public school activity under subdivision (3)(A) of this section shall present or deliver to the teacher of the parent's child a written statement that authorizes the temporary removal of the parent's child from the class or other public school activity.

(C) However, a parent shall not remove the parent's child temporarily from a class or public school activity to:

(i) Avoid the administration of a test to the parent's child; or

(ii) Prevent the parent's child from taking a subject for the duration of the academic semester;

(4)(A) Gain access to a meeting of the following, except in cases of an executive session or when prohibited by law or court order:

(i) The public school district board of directors of the public school district in which the parent's child is enrolled; or

(ii) The governing body of the open-enrollment public charter school in which the parent's child is enrolled.

(B) A public school district board of directors shall hold each public meeting within the boundaries of the public school district as required by law, except in cases in which it holds a joint meeting with another:

(i) Public school district board of directors; or

(ii) Governmental entity if the boundaries of the governmental entity are in whole or in part within the boundaries of the public school district.

6-18-2505. Public school district and open-enrollment public charter school responsibilities.

The duties of public school district boards of directors and governing bodies of open-enrollment public charter schools under this subchapter shall include the requirement to:

(1) Make available for review by parents, upon request, all of the following that are reasonably available:

- (A) Teaching materials;
- (B) Required textbooks;
- (C) Course syllabi;
- (D) Lesson plans; and
- (E) Required tests scheduled for the school year;

(2)(A) Adopt procedures for notifying a student's parent within twenty-four (24) hours, or the timeframe otherwise specified by state or federal law, if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the public school district's or open-enrollment public charter school's ability to provide a safe and supportive learning environment for the student.

(B) Procedures adopted under subdivision (2)(A) of this section shall reinforce the fundamental right of a parent to make decisions regarding the upbringing and control of the parent's child by requiring public school district and open-enrollment public charter school personnel to:

(i) Encourage a student to discuss issues relating to the student's well-being with the student's parent; or

(ii) Facilitate discussion of the student's well-being with the student's parent.

(C) Procedures adopted under subdivision (2)(A) of this section shall not prohibit a parent from accessing any of the education and health records pertaining to the parent's child that are created, maintained, or used by the public school district or open-enrollment public charter school in which the parent's child is enrolled and that the parent is entitled to access under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, or other state or federal law;

(3)(A) Not adopt procedures or student support forms that:

(i) Prohibit public school district or open-enrollment public charter school personnel from notifying the parent of a student regarding:

(a) The student's mental, emotional, or physical health or well-being; or

(b) A change in related services or monitoring as it pertains to the student; or

(ii) Encourage a student to withhold information from the student's parent as it pertains to the student's mental, emotional, or physical health or well-being or a change in related services or monitoring as it pertains to the student.

(B)(i) Public school district and open-enrollment public charter school personnel shall not discourage or prohibit parental notification of and involvement in critical decisions that affect a parent's child's mental, emotional, or physical health or well-being.

(ii) However, a public school district or open-enrollment public charter school may adopt procedures that permit public school personnel to withhold parental notification of information described under subdivision (3)(B)(i) of this section if a reasonably prudent person would believe that the disclosure of information would result in abuse, abandonment, or neglect of a child or if disclosure is prohibited by law; and

(4)(A) Ensure that classroom instruction provided by public school personnel or third parties on sexual orientation or gender identity:

(i) Shall not occur in kindergarten through grade five (K-5), as provided by Acts 2023, No. 237; and

(ii) Is age-appropriate and developmentally appropriate for students in grades six through twelve (6-12).

(B) However, nothing in this section shall be construed as requiring public school personnel, a public school district, or an open-enrollment public charter school to provide classroom instruction on sexual orientation or gender identity to students in grades six through twelve (6-12).

6-18-2506. Rules.

(a) The Division of Elementary and Secondary Education shall promulgate rules necessary to implement this subchapter.

(b) When adopting the initial rules to implement this subchapter, the final rules shall be filed with the Secretary of State for adoption under 25-15-204(f).

/s/McAlindon