

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 20-0789.01 Jacob Baus x2173

HOUSE BILL 20-1144

HOUSE SPONSORSHIP

Pelton, Baisley, Beckman, Buck, Geitner, Humphrey, Larson, Liston, Neville, Ransom, Rich, Saine, Sandridge, Van Winkle, Will

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A PARENT'S BILL OF RIGHTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill establishes a parent's bill of rights that sets forth specific parental rights related to directing the upbringing, education, and health care of a minor child.

1 *Be it enacted by the General Assembly of the State of Colorado:*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 **SECTION 1.** In Colorado Revised Statutes, **add** article 16 to title
2 14 as follows:

3 **ARTICLE 16**

4 **Parent's Bill of Rights**

5 **14-16-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 16 IS
6 THE "PARENT'S BILL OF RIGHTS".

7 **14-16-102. Definitions.** AS USED IN THIS ARTICLE 16, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "MINOR CHILD" MEANS A PERSON SEVENTEEN YEARS OF AGE
10 OR YOUNGER.

11 (2) "PARENT" MEANS THE NATURAL OR ADOPTIVE PARENT OR
12 LEGAL GUARDIAN OF A MINOR CHILD.

13 **14-16-103. Parental rights reserved - exceptions.** (1) THE
14 STATE, ANY POLITICAL SUBDIVISION OF THE STATE, OR ANY OTHER
15 GOVERNMENTAL ENTITY OR INSTITUTION SHALL NOT INFRINGE UPON THE
16 FUNDAMENTAL RIGHT OF A PARENT TO DIRECT THE UPBRINGING,
17 EDUCATION, AND HEALTH CARE OF HIS OR HER MINOR CHILD WITHOUT
18 DEMONSTRATING THAT THE COMPELLING GOVERNMENTAL INTEREST, AS
19 APPLIED TO THE MINOR CHILD INVOLVED, IS OF THE HIGHEST ORDER, IS
20 NARROWLY TAILORED, AND CANNOT BE ACCOMPLISHED IN A LESS
21 RESTRICTIVE MANNER.

22 (2) EXCEPT AS OTHERWISE PROVIDED BY LAW, ALL PARENTAL
23 RIGHTS ARE RESERVED TO A PARENT OF A MINOR CHILD WITHOUT
24 OBSTRUCTION OR INTERFERENCE FROM THE STATE, ANY POLITICAL
25 SUBDIVISION OF THE STATE, OR ANY OTHER GOVERNMENTAL ENTITY OR
26 INSTITUTION, INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO:

27 (a) DIRECT THE UPBRINGING, EDUCATION, AND HEALTH CARE OF

1 THE MINOR CHILD;

2 (b) DIRECT THE MORAL OR RELIGIOUS TRAINING OF THE MINOR

3 CHILD;

4 (c) ACCESS AND REVIEW ALL SCHOOL RECORDS RELATING TO THE

5 MINOR CHILD;

6 (d) ACCESS AND REVIEW ALL MEDICAL RECORDS OF THE MINOR

7 CHILD;

8 (e) MAKE HEALTH CARE DECISIONS FOR THE MINOR CHILD;

9 (f) CONSENT IN WRITING BEFORE A BIOMETRIC SCAN OF THE MINOR

10 CHILD OCCURS OR IS SHARED OR STORED;

11 (g) CONSENT IN WRITING BEFORE ANY RECORD OF THE MINOR

12 CHILD'S BLOOD OR DNA IS MADE, SHARED, OR STORED, UNLESS OBTAINING

13 SUCH BLOOD OR DNA IS OTHERWISE REQUIRED BY LAW OR AUTHORIZED

14 PURSUANT TO A COURT ORDER;

15 (h) CONSENT IN WRITING BEFORE THE STATE OR ANY OF ITS

16 POLITICAL SUBDIVISIONS MAKES A VIDEO OR VOICE RECORDING OF THE

17 MINOR CHILD, UNLESS THE VIDEO OR VOICE RECORDING IS TO BE USED

18 SOLELY FOR ANY OF THE FOLLOWING PURPOSES:

19 (I) A PURPOSE RELATED TO A LEGITIMATE ACADEMIC OR

20 EXTRACURRICULAR ACTIVITY;

21 (II) A PURPOSE RELATED TO REGULAR CLASSROOM INSTRUCTION;

22 (III) SECURITY OR SURVEILLANCE OF BUILDINGS OR GROUNDS; OR

23 (IV) A PHOTO IDENTIFICATION CARD; AND

24 (i) BE NOTIFIED PROMPTLY IF AN EMPLOYEE OF THE STATE, ANY

25 POLITICAL SUBDIVISION OF THE STATE, ANY OTHER GOVERNMENTAL

26 ENTITY OR INSTITUTION, OR ANY OTHER INSTITUTION SUSPECTS THAT A

27 CRIMINAL OFFENSE HAS BEEN COMMITTED AGAINST THE MINOR CHILD BY

1 SOMEONE OTHER THAN A PARENT. THIS SUBSECTION (2)(i) DOES NOT
2 CREATE A NEW OBLIGATION FOR A SCHOOL TO REPORT MISCONDUCT
3 BETWEEN STUDENTS AT SCHOOL, SUCH AS FIGHTING OR AGGRESSIVE PLAY,
4 THAT IS ROUTINELY ADDRESSED BY THE SCHOOL AS A STUDENT
5 DISCIPLINARY MATTER.

6 (3) AN ATTEMPT TO ENCOURAGE OR COERCE A MINOR CHILD TO
7 WITHHOLD INFORMATION FROM HIS OR HER PARENT IS GROUNDS FOR
8 DISCIPLINE OF AN EMPLOYEE OF THE STATE, ANY POLITICAL SUBDIVISION
9 OF THE STATE, OR ANY OTHER GOVERNMENTAL ENTITY OR INSTITUTION,
10 EXCEPT AS USED BY A PEACE OFFICER IN THE CONTEXT OF A CRIMINAL
11 INVESTIGATION.

12 (4) UNLESS A RIGHT HAS BEEN LEGALLY WAIVED OR LEGALLY
13 TERMINATED, A PARENT HAS INALIENABLE RIGHTS THAT ARE MORE
14 COMPREHENSIVE THAN THOSE LISTED IN THIS ARTICLE 16. THE "PARENT'S
15 BILL OF RIGHTS" DOES NOT PRESCRIBE ALL RIGHTS OF A PARENT. UNLESS
16 OTHERWISE REQUIRED BY LAW, THE RIGHTS OF A PARENT OF A MINOR
17 CHILD MUST NOT BE LIMITED OR DENIED.

18 **14-16-104. Parental rights related to education of a minor**
19 **child - policy for parental involvement - request for information.**

20 (1) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT, BOARD OF
21 COOPERATIVE SERVICES, CHARTER SCHOOL, OR INSTITUTE CHARTER
22 SCHOOL, IN CONSULTATION WITH PARENTS, TEACHERS, AND
23 ADMINISTRATORS, SHALL DEVELOP AND ADOPT A POLICY TO PROMOTE THE
24 INVOLVEMENT OF PARENTS OF THE ENROLLED MINOR CHILD. AT A
25 MINIMUM, THE POLICY MUST INCLUDE:

26 (a) A PLAN FOR PARENT PARTICIPATION IN THE SCHOOL THAT IS
27 DESIGNED TO IMPROVE PARENT AND TEACHER COOPERATION IN SUCH

1 AREAS AS HOMEWORK, ATTENDANCE, AND DISCIPLINE;

2 (b) PROCEDURES BY WHICH A PARENT CAN LEARN ABOUT THE
3 COURSE OF STUDY FOR HIS OR HER MINOR CHILD AND REVIEW LEARNING
4 MATERIALS, INCLUDING THE SOURCE OF ANY SUPPLEMENTAL
5 EDUCATIONAL MATERIALS;

6 (c) PROCEDURES BY WHICH A PARENT WHO OBJECTS TO ANY
7 LEARNING MATERIAL OR ACTIVITY ON THE BASIS THAT IT IS HARMFUL MAY
8 WITHDRAW HIS OR HER MINOR CHILD FROM THE ACTIVITY OR FROM THE
9 CLASS OR PROGRAM IN WHICH THE MATERIAL IS USED. AN OBJECTION TO
10 A LEARNING MATERIAL OR ACTIVITY ON THE BASIS THAT IT IS HARMFUL
11 MUST BE AN OBJECTION BASED ON THE BELIEF THAT THE MATERIALS OR
12 ACTIVITIES QUESTION BELIEFS OR PRACTICES IN SEX, MORALITY, OR
13 RELIGION.

14 (d) IF A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES,
15 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL OFFERS INSTRUCTION
16 IN COMPREHENSIVE HUMAN SEXUALITY EDUCATION PURSUANT TO SECTION
17 22-1-128, PROCEDURES ON HOW TO PROVIDE INFORMATION, AT LEAST
18 FIFTEEN DAYS PRIOR TO THE START OF INSTRUCTION, TO PARENTS
19 REGARDING HOW TO OPT OUT OF SUCH INSTRUCTION;

20 (e) PROCEDURES BY WHICH A PARENT WILL BE NOTIFIED AT LEAST
21 FIFTEEN DAYS IN ADVANCE OF AND GIVEN THE OPPORTUNITY TO
22 WITHDRAW HIS OR HER MINOR CHILD FROM ANY INSTRUCTION OR
23 PRESENTATION REGARDING HUMAN SEXUALITY IN COURSES OTHER THAN
24 A FORMAL COMPREHENSIVE HUMAN SEXUALITY EDUCATION PURSUANT TO
25 SECTION 22-1-128;

26 (f) PROCEDURES BY WHICH A PARENT CAN LEARN ABOUT THE
27 NATURE AND PURPOSE OF CLUBS AND ACTIVITIES THAT ARE PART OF THE

1 SCHOOL CURRICULUM, AS WELL AS EXTRACURRICULAR CLUBS AND
2 ACTIVITIES THAT HAVE BEEN APPROVED BY THE SCHOOL AT LEAST FIFTEEN
3 DAYS IN ADVANCE AND GIVEN THE OPPORTUNITY TO WITHDRAW HIS OR
4 HER MINOR CHILD FROM ANY CLUBS OR ACTIVITIES; AND

5 (g) PROCEDURES BY WHICH A PARENT CAN LEARN ABOUT THE
6 PARENTAL RIGHTS AND RESPONSIBILITIES UNDER THE LAWS OF THE STATE,
7 INCLUDING THE RIGHT TO:

8 (I) OPT OUT OF A COMPREHENSIVE HUMAN SEXUALITY EDUCATION
9 CURRICULUM IF ONE IS PROVIDED BY THE SCHOOL DISTRICT;

10 (II) OBTAIN INFORMATION CONCERNING SCHOOL CHOICE OPEN
11 ENROLLMENT RIGHTS;

12 (III) OPT OUT OF AN ASSIGNMENT PURSUANT TO THIS SECTION;

13 (IV) BE EXEMPT FROM ANY IMMUNIZATION LAW OF THE STATE;

14 (V) RECEIVE INFORMATION CONCERNING THE MINIMUM COURSE OF
15 STUDY AND COMPETENCY REQUIREMENTS FOR GRADUATION FROM HIGH
16 SCHOOL;

17 (VI) ACCESS AND REVIEW SCHOOL RECORDS;

18 (VII) HAVE HIS OR HER CHILD PARTICIPATE IN GIFTED AND
19 TALENTED PROGRAMS;

20 (VIII) INSPECT INSTRUCTIONAL MATERIALS USED IN CONNECTION
21 WITH ANY RESEARCH OR EXPERIMENTATION PROGRAM OR PROJECT;

22 (IX) RECEIVE INFORMATION RELATED TO ATTENDANCE
23 REQUIREMENTS SET FORTH IN THE "SCHOOL ATTENDANCE LAW OF 1963",
24 ARTICLE 33 OF TITLE 22;

25 (X) PUBLIC REVIEW OF TEXTBOOKS AND COURSES OF STUDY;

26 (XI) RECEIVE POLICIES RELATED TO PARENTAL INVOLVEMENT
27 PURSUANT TO THIS SECTION;

1 (XII) PARTICIPATE IN PARENT TEACHER ASSOCIATIONS AND
2 ORGANIZATIONS THAT ARE SANCTIONED BY THE BOARD OF EDUCATION OF
3 A SCHOOL DISTRICT; AND

4 (XIII) OPT OUT OF ANY DATA COLLECTION INSTRUMENT AT THE
5 DISTRICT LEVEL THAT WOULD CAPTURE DATA FOR INCLUSION IN THE STATE
6 LONGITUDINAL STUDENT DATA SYSTEM, EXCEPT WHAT IS NECESSARY AND
7 ESSENTIAL FOR ESTABLISHING A STUDENT'S PUBLIC SCHOOL RECORD.

8 (2) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT MAY ADOPT
9 A POLICY TO PROVIDE PARENTS WITH THE INFORMATION REQUIRED BY THIS
10 SECTION IN ELECTRONIC FORM.

11 (3) A REQUEST FOR INFORMATION PURSUANT TO THIS SECTION
12 MUST BE SUBMITTED IN WRITING BY A PARENT DURING REGULAR BUSINESS
13 HOURS TO EITHER THE SCHOOL PRINCIPAL OR THE SUPERINTENDENT OF THE
14 SCHOOL DISTRICT. WITHIN TWO BUSINESS DAYS AFTER RECEIVING THE
15 INFORMATION REQUEST THE SCHOOL PRINCIPAL OR DISTRICT
16 SUPERINTENDENT SHALL DELIVER THE REQUESTED INFORMATION TO THE
17 PARENT.

18 **14-16-105. Parental rights related to health care of a minor**
19 **child - exceptions - penalty.** (1) EXCEPT AS OTHERWISE PROVIDED BY
20 LAW, NO PERSON, CORPORATION, ASSOCIATION, ORGANIZATION,
21 STATE-SUPPORTED INSTITUTION, OR INDIVIDUAL EMPLOYED BY ANY OF
22 THESE ENTITIES MAY PROCURE, SOLICIT TO PERFORM, ARRANGE FOR THE
23 PERFORMANCE OF, PERFORM SURGICAL PROCEDURES, OR PERFORM A
24 PHYSICAL EXAMINATION UPON A MINOR CHILD OR PRESCRIBE ANY
25 PRESCRIPTION DRUGS TO A MINOR CHILD WITHOUT FIRST OBTAINING
26 WRITTEN CONSENT FROM THE MINOR CHILD'S PARENT.

27 (2) A HOSPITAL OR MEDICAL CENTER SHALL NOT PERMIT A

1 SURGICAL PROCEDURE TO BE PERFORMED UPON A MINOR CHILD IN ITS
2 FACILITIES WITHOUT FIRST RECEIVING WRITTEN CONSENT FROM THE MINOR
3 CHILD'S PARENT.

4 (3) THE PROVISIONS OF THIS SECTION DO NOT APPLY WHEN A
5 PHYSICIAN DETERMINES THAT A MEDICAL EMERGENCY EXISTS AND THAT
6 IT IS NECESSARY TO PERFORM A SURGICAL PROCEDURE FOR THE
7 TREATMENT OF AN INJURY OR OF DRUG ABUSE, OR TO SAVE THE LIFE OF
8 THE MINOR CHILD, OR WHEN THE MINOR CHILD'S PARENT CANNOT BE
9 LOCATED OR CONTACTED AFTER REASONABLY DILIGENT EFFORTS.

10 (4) A PERSON WHO VIOLATES A PROVISION OF THIS SECTION IS
11 GUILTY OF AN UNCLASSIFIED MISDEMEANOR, PUNISHABLE BY A FINE OF
12 NOT MORE THAN ONE THOUSAND DOLLARS OR IMPRISONMENT OF NOT
13 MORE THAN ONE YEAR, OR BOTH.

14 **SECTION 2. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2020 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.