

House Bill 1158

By: Representatives Carson of the 46th, Erwin of the 28th, Jasperse of the 11th, Cantrell of the 22nd, Setzler of the 35th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding parent and child relationship generally, so as to
3 provide for the protection of the fundamental right of parents to direct the upbringing,
4 education, and healthcare of their minor children from undue infringement by a state or local
5 government entity or any agent or officer thereof; to provide for a short title; to provide for
6 legislative findings; to provide for construction; to amend Part 12 of Article 6 of Chapter 2
7 of Title 20 of the Official Code of Georgia Annotated, relating to effectiveness of educational
8 programs, so as to require school and school system governing bodies to adopt policies that
9 promote parental involvement in public schools; to provide for policy requirements; to
10 provide for parental access to such policies; to direct the Department of Education to develop
11 guidelines and model policies to assist school and school system implementation; to provide
12 for definitions; to provide for an effective date and applicability; to provide for related
13 matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to general provisions regarding parent and child relationship generally, is amended by adding a new Code section to read as follows:

"19-7-7.

(a) This Code section shall be known and may be cited as the 'Parents' Bill of Rights.'

(b) The General Assembly finds that it is a fundamental right of parents to direct the upbringing, education, and healthcare 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 his or her parent, including information relating to the minor child's health, well-being, and education. The General Assembly further finds it necessary to establish a consistent mechanism for parents to be notified of information relating to the health, well-being, and education of their minor children.

(c) As used in this Code section, the term:

(1) 'Minor child' means a person who is less than 18 years of age and who has not been emancipated by operation of law or by court order pursuant to Code Section 15-11-727 or as otherwise provided by law.

(2) 'Parent' means a person who has legal authority to act on behalf of a minor child as a natural or adoptive parent or a legal guardian.

(d) No state or local government entity or any agent or officer thereof may infringe on the fundamental right of a parent to direct the upbringing, education, and healthcare of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and is not otherwise served by less restrictive means.

(e) All parental rights and responsibilities are reserved to the parent of a minor child in this state without obstruction or interference from any state or local government entity or any agent or officer thereof, including, but not limited to:

42 (1) The right to direct the education and healthcare of his or her minor child;

43 (2) The right to direct the upbringing and the moral or religious training of his or her
44 minor child;

45 (3) The right and responsibility, pursuant to Code Section 20-2-690.1, to enroll his or her
46 minor child in a public school or, as an alternative to public education, a private school,
47 including a religious school, a home study program, or other available options, as
48 authorized by law;

49 (4) The right to access and review all school records relating to his or her minor child,
50 unless otherwise prohibited by law;

51 (5) The right to receive effective communication from the school principal as to the
52 manner in which instructional materials are used to implement the school's curricular
53 objectives;

54 (6) The right to make healthcare decisions for his or her minor child, unless otherwise
55 prohibited by law;

56 (7) The right to access and review all medical records of his or her minor child, unless
57 prohibited by law or if the parent is the subject of an investigation of a crime committed
58 against the minor child and a law enforcement agency or official requests that the
59 information not be released;

60 (8) The right to consent in writing before a biometric scan of his or her minor child is
61 made, shared, or stored;

62 (9) The right to consent in writing before any record of his or her minor child's blood or
63 deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by general
64 law or authorized pursuant to a court order;

65 (10) The right to consent in writing before a state or local government entity, or any
66 agent or officer thereof, makes a video or audio recording or photograph of his or her
67 minor child unless such recording or photograph is made as part of a court proceeding or
68 as part of a forensic interview in a criminal investigation or a child welfare investigation

by the Division of Family and Children Services of the Department of Human Services or is to be used solely for the following purposes:

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

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

(C) A purpose related to regular classroom instruction;

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

(E) A photo identification card; and

(11) The right to be notified promptly if a state or local government entity, or any agent or officer thereof, suspects that a criminal offense has been committed against his or her minor child, unless the incident has first been reported to law enforcement or the Division of Family and Children Services of the Department of Human Services and notifying the parent would impede the investigation.

(f) This Code section does not and shall not be construed to:

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

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

(3) Prohibit a judge or officer of a court of competent jurisdiction, law enforcement officer, or any agent of a state or local government entity that is responsible for child welfare from acting in his or her official capacity within the reasonable and prudent scope of his or her authority; or

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

(g) A parent of a minor child in this state has inalienable rights that are more comprehensive than those listed in this Code section, unless such rights have been legally waived or terminated. This Code section does not prescribe all rights of a parent of a minor

child in this state. Unless required by law, the rights of a parent of a minor child in this state may not be limited or denied. This Code section shall not be construed to apply to a parental action or decision that would end life."

SECTION 2.

Part 12 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to effectiveness of educational programs, is amended by adding a new Code section to read as follows:

"20-2-287.

(a) As used in this Code section, the term:

(1) 'Governing body' shall have the same meaning as provided in subsection (a) of Code Section 20-2-167.1.

(2) 'Parent' means a person who has legal authority to act on behalf of a minor child as a natural or adoptive parent or a legal guardian.

(3) 'Primary instructional material' means instructional materials and content, as defined by the State Board of Education pursuant to Code Section 20-2-1010, and locally approved instructional materials and content, as defined in subsection (a) of Code Section 20-2-1017.

(4) 'Supplementary instructional material' means material that is not primary instructional material and is included, or intended to be included, by a teacher for use as part of a classroom discussion or other classroom activity or is recommended by a teacher for review by one or more students. Supplementary instructional material includes, but is not limited to, materials covering current events, articles, online simulations, worksheets, novels, biographies, speeches, videos, music, and similar resources in any medium, including both physical and digital.

(b) Each governing body shall, in consultation with parents, teachers, and administrators, develop and adopt a policy to promote parental involvement in the public schools. Such policy shall include:

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

(2)(A) A procedure for a parent to learn about his or her minor child's courses of study, including, but not limited to, parental access to primary and supplementary instructional materials intended for use in the classroom.

(B) Primary instructional materials intended for use in his or her minor child's classroom shall be made available for parental review no less than 30 days prior to the start of each semester. Supplementary instructional materials used or intended for use in his or her minor child's classroom shall be made available for parental review within ten days of the parent's request for review or the date of classroom use, whichever is later. If such instructional materials are not made available by a school or local school system for review online, then, within the time periods required by this subparagraph, they shall be made available for review on site upon request by a parent;

(3) A procedure for a parent to object to primary and supplementary instructional materials intended for use in his or her minor child's classroom or recommended by his or her minor child's teacher. Such objections may be based on the parent's individual beliefs regarding morality, sex, or religion;

(4) A procedure for a parent to withdraw his or her minor child from any portion of the school's prescribed course of study in sex education if the parent provides a written objection to his or her minor child's participation. Such procedures must provide for a parent to be notified in advance of such course content so that he or she may withdraw his or her minor child from those portions of the course;

(5) A procedure for a parent to learn about the nature and purpose of school clubs and organizations and other activities offered at his or her minor child's school, including those that are extracurricular or part of the school curriculum; and

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

(A) Rights relating to school choice , as provided in Code Sections 20-2-293, 20-2-294, 20-2-319.1, and 20-2-690; Articles 31, 31A, and 34 of this chapter; and other applicable law;

(B) The right to opt his or her minor child out of any portion of the school's prescribed course of study in sex education or any instruction regarding human sexuality, as provided in subsection (d) of Code Section 20-2-143 and other applicable law;

(C) The right to exempt his or her minor child from immunizations, as provided in subsection (e) of Code Section 20-2-771 and other applicable law;

(D) The right to review state-wide standardized assessment results and reports of education accountability assessment programs, as provided in subsections (m), (n), and (o) of Code Section 20-2-281; Code Section 20-2-283; subsection (b) of Code Section 20-14-27; subsection (d) of Code Section 20-14-34; Article 4 of Chapter 18 of Title 50; and other applicable law;

(E) The right to inspect instructional materials used with, or proposed for use with, his or her minor child, as provided in paragraph (2) of subsection (b) of this Code section, Code Section 20-2-1017, and other applicable law;

(F) The right to access information relating to the school or school system policies for promotion, retention, and high school graduation requirements, as provided in Code Sections 20-2-140, 20-2-283, and 20-2-284 and other applicable law;

(G) The right to review the education records, including, but not limited to, current grade reports and attendance records, of his or her minor child, as provided in Code Section 20-2-720 and other applicable law;

(H) The right to participate in parent-teacher associations and organizations that are recognized by a school or school system; and

(I) The right of a parent to opt out of any school-level or school system-level data collection relating to his or her minor child not required by law, as provided in paragraph (7) of Code Section 20-2-664 and other applicable law.

(c) A governing body may provide the information required in this Code section by electronic means or post such information on its public website.

(d) A parent may request, in writing, from the local school superintendent, the school principal, or a designee thereof the information required under this Code section. The local school superintendent, school principal, or designee thereof shall, within ten days, provide such information to the parent. If the local school superintendent, school principal, or designee thereof denies a parent's request for information or does not respond to the parent's request within ten days, the parent may appeal the denial to the local board of education or charter school governing board. The local board of education or charter school governing board must place a parent's appeal on the agenda for its next public meeting. If it is too late for a parent's appeal to appear on the agenda for the next public meeting, the appeal must be included on the agenda for the subsequent meeting.

(e) The Department of Education shall develop guidelines and model policies in order to assist schools and school systems in the implementation of the requirements of this Code section."

SECTION 3.

This Act shall become effective on July 1, 2022, and shall be applicable to the 2022-2023 school year and each school year thereafter.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.