

Regular Session, 2014

SENATE BILL NO. 312

BY SENATOR CROWE

STUDENTS. Enacts the "Parents' Bill of Rights for Public Schools". (8/1/14)

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AN ACT

To enact R.S. 17:406.9, relative to the rights of parents of public school children; to establish the "Parents' Bill of Rights for Public Schools"; to provide for legislative intent; to provide for the disclosure of certain student records to parents; to provide for the disclosure of curriculum and instructional materials; to provide for parental notification; to restrict the use of certain surveys and types of classroom instruction; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:406.9 is hereby enacted to read as follows:

**§406.9. Parents' Bill of Rights for Public Schools**

**A. The legislature finds all of the following:**

**(1) That parental involvement is a significant factor in increasing student achievement.**

**(2) That access to student information encourages greater parental involvement.**

**B. Parents of public school children shall have all of the following rights:**

**(1) To examine the textbooks, curriculum, and supplemental material**

1 used in their child's classroom.

2 (2) To inspect their child's school records, including all of the following:

3 (a) Academic records.

4 (b) Medical or health records.

5 (c) Records of any mental health counseling.

6 (d) Records of any vocational counseling.

7 (3) To be notified when medical services are being offered to their child,  
8 except where emergency medical treatment is required. In cases where  
9 emergency medical treatment is required, the parent shall be notified as soon  
10 as practicable after the treatment is rendered.

11 (4) To be notified if a criminal action is deemed to have been committed  
12 against their child or by their child.

13 (5) To be notified if law enforcement personnel question their child,  
14 except in cases where the parent has been accused of abusing or neglecting the  
15 child.

16 (6) To be notified if their child is taken or removed from the school  
17 campus without parental permission.

18 (7) That the school shall not discriminate against their child based upon  
19 the sincerely held religious beliefs of the child's family.

20 (8) To receive written notice and the option to opt their child out of any  
21 surveys that include questions about any of the following:

22 (a) The student's sexual experiences or attractions.

23 (b) The student's family beliefs, morality, religion, or political  
24 affiliations.

25 (c) Any mental health or psychological problems of the student or a  
26 family member.

27 (9) To receive written notice and have the option to opt their child out  
28 of instruction on topics associated with sexual activity.

29 C. Notwithstanding anything to the contrary, a public school shall not

1        **be required to release any records or information regarding a student's medical**  
2        **or health records or mental health counseling records to a parent during the**  
3        **pendency of an investigation of child abuse or neglect conducted by any law**  
4        **enforcement agency or the Department of Children and Family Services where**  
5        **the parent is the target of the investigation, unless the parent has obtained a**  
6        **court order.**

7        Section 2. This Act shall be known as the "Parents' Bill of Rights for Public  
8        Schools".

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The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

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#### DIGEST

Crowe (SB 312)

Proposed law establishes the "Parents' Bill of Rights for Public Schools".

Proposed law provides that the legislature finds:

- (1) That parental involvement is a significant factor in increasing student achievement.
- (2) That access to student information encourages greater parental involvement.

Proposed law provides that the parents of public school children shall have all of the following rights:

- (1) To examine the textbooks, curriculum and supplemental material used in their child's classroom.
- (2) Inspect their child's school records, including academic records, medical or health records, records of any mental health counseling, or records of any vocational counseling.
- (3) To be notified when medical services are being offered to their child, except where emergency medical treatment is required. If emergency medical treatment is required, the parent shall be notified as soon as practicable after the treatment is rendered.
- (4) To be notified if a criminal action is deemed to have been committed against their child or by their child.
- (5) To be notified if enforcement personnel question their child, except in cases where the parent has been accused of abusing or neglecting the child.
- (6) To be notified if their child is taken or removed from the school campus without parental permission.
- (7) That the school shall not discriminate against their child based upon the sincerely held religious beliefs of the child's family.

- (8) To receive written notice and the option to opt their child out of any surveys that include questions about the student's sexual experiences or attractions, family beliefs, morality, religion, or political affiliations, and mental health or psychological problems of the student or a family member.
- (9) To receive written notice and have the option to opt their child out of instruction on topics associated with sexual activity.

Proposed law provides that notwithstanding anything to the contrary, a public school shall not be required to release any records or information regarding a student's medical or health records or mental health counseling records to a parent during the pendency of an investigation of child abuse or neglect conducted by any law enforcement agency or the Department of Children and Family Services where the parent is the target of the investigation, unless the parent has obtained a court order.

Effective August 1, 2014.

(Adds R.S. 17:406.9)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Changes legislative findings.
2. Deletes parental right to examine lesson plans.
3. Requires parental notification if child commits a criminal action.
4. Requires parental notification if law enforcement questions a child, except in cases of alleged parental abuse or neglect.
5. Requires parental notification if child is removed from campus without parental consent.
6. Clarifies that parents can expect that family religious beliefs will be respected.
7. Clarifies provisions regarding student participation in certain surveys and instruction related to sexual activity.
8. Provides that a school is not required to release student medical or health records or information to a parent during a DCFS investigation of child abuse or neglect without a court order.

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Changes certain rights of parents of public school children.