

SECOND REGULAR SESSION

HOUSE BILL NO. 1755

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BASYE.

3950H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 1, RSMo, by adding thereto six new sections relating to parents' bill of rights, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 1, RSMo, is amended by adding thereto six new sections, to be known as sections 1.650, 1.652, 1.654, 1.656, 1.658, and 1.660, to read as follows:

1.650. Sections 1.650 to 1.660 shall be known and may be cited as the "Parents' Bill of Rights".

1.652. For purposes of sections 1.650 to 1.660, the term "parent" means a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian.

1.654. The state, any of its political subdivisions, any other governmental entity, or any other institution shall not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and such action is narrowly tailored and is not otherwise served by a less restrictive means.

1.656. 1. All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from the state, any of its political subdivisions, any other governmental entity, or any other institution including, but not limited to, all of the following rights of a parent of a minor child in this state:

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

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

8 **(3) The right to enroll his or her minor child in a public school or, as an**
9 **alternative to public education, a private school, including a religious school, a home**
10 **education program, or other available options, as authorized by law;**

11 **(4) The right to access and review all school records relating to his or her minor**
12 **child;**

13 **(5) The right to make health care decisions for his or her minor child, unless**
14 **otherwise prohibited by law;**

15 **(6) The right to access and review all medical records of his or her minor child,**
16 **unless prohibited by law or if the parent is the subject of an investigation of an offense**
17 **committed against the minor child and a law enforcement agency or official requests**
18 **that the information not be released;**

19 **(7) The right to consent in writing before a biometric scan of his or her minor**
20 **child is made, shared, or stored;**

21 **(8) The right to consent in writing before any record of his or her minor child's**
22 **blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required**
23 **by law or authorized under a court order;**

24 **(9) The right to consent in writing before the state or any of its political**
25 **subdivisions make a video or voice recording of his or her minor child unless such**
26 **recording is made during or as part of a court proceeding or is made as part of a**
27 **forensic interview in a criminal investigation, in an investigation by the children's**
28 **division, or is to be used solely for the following purposes:**

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

31 **(b) A purpose related to a legitimate academic or extracurricular activity;**

32 **(c) A purpose related to regular classroom instructions;**

33 **(d) Security or surveillance of buildings or grounds; or**

34 **(e) A photo identification card; and**

35 **(10) The right to be notified promptly if an employee of the state, any of its**
36 **political subdivisions, any other governmental entity, or any other institution suspects**
37 **that a criminal offense has been committed against the parent's minor child, unless the**
38 **incident has first been reported to law enforcement or the children's division and**
39 **notifying the parent would impede the investigation.**

40 **2. This section shall not:**

41 **(1) Authorize a parent of a minor child in this state to engage in conduct that is**
42 **unlawful or to abuse or neglect his or her minor child in violation of any provision of**
43 **law;**

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

46 **(3) Prohibit a court of competent jurisdiction, law enforcement officer, or**
47 **employees of a governmental agency responsible for child welfare from acting in his or**
48 **her official capacity within the reasonable and prudent scope of his or her authority; or**

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

51 **3. An employee of the state, any of its political subdivisions, or any other**
52 **governmental entity who encourages or coerces, or attempts to encourage or coerce, a**
53 **minor child to withhold information from his or her parent may be subject to**
54 **disciplinary action.**

55 **4. A parent of a minor child in this state has inalienable rights that are more**
56 **comprehensive than those listed in this section, unless such rights have been legally**
57 **waived or terminated. Sections 1.650 to 1.660 shall not prescribe all rights to a parent of**
58 **a minor child in this state. Unless required by law, the rights of a parent of a minor**
59 **child in this state shall not be limited or denied. Sections 1.650 to 1.660 shall not be**
60 **construed to apply to a parental action or decision that would end life.**

1.658. 1. Each school board within a school district shall, in consultation with
2 **parents, teachers, and administrators, develop and adopt a policy to promote parental**
3 **involvement in the public school system. Such policy shall include:**

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

6 **(2) A procedure for a parent to learn about his or her minor child's course of**
7 **study, including the source of any supplemental education materials;**

8 **(3) Procedures for a parent to object to instructional materials and other**
9 **materials used in the classroom. Such objections may be based on beliefs regarding**
10 **morality, sex, and religion or the belief that such materials are harmful. For purposes of**
11 **this subdivision, the term "instructional materials" means items having intellectual**
12 **content that by design serve as a major tool for assisting in the instruction of a subject**
13 **or course. Such items may be available in bound, unbound, kit, or package form; may**
14 **consist of hardbacked or softbacked textbooks, electronic content, consumables,**
15 **learning laboratories, manipulatives, electronic media, and computer courseware or**
16 **software; and may include other materials used in the classroom, including workbooks**

17 and worksheets, handouts, software, applications, and any digital media made available
18 to students;

19 (4) Procedures for a parent to withdraw his or her minor child from any portion
20 of the school district's comprehensive health education that relates to instruction in
21 sexually transmitted diseases or any instruction regarding human sexuality if the parent
22 provides a written objection to his or her minor child's participation. Such procedures
23 shall provide for a parent to be notified in advance of such course content so that the
24 parent may withdraw his or her minor child from those portions of the course;

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

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

30 (a) The right to opt out of any portion of the school district's comprehensive
31 health education that relates to instruction in sexually transmitted diseases or any
32 instruction regarding human sexuality;

33 (b) A plan to disseminate information about school choice options, including
34 options for a student to attend school in a district other than the student's district of
35 residence;

36 (c) The right of a parent to exempt his or her minor child from immunizations in
37 accordance with section 167.181;

38 (d) The right of a parent to review statewide standardized assessment results;

39 (e) The right of a parent to enroll his or her minor child in gifted or special
40 education programs;

41 (f) The right of a parent to inspect the school district's instructional materials;

42 (g) The right of a parent to access information relating to the school district's
43 policies for promotion or retention, including high school graduation requirements;

44 (h) The right of a parent to receive a school report card and be informed of his
45 or her minor child's attendance requirements;

46 (i) The right of a parent to access information relating to the state public
47 education system, state standards, report card requirements, attendance requirements,
48 and requirements regarding instructional materials;

49 (j) The right of a parent to participate in parent-teacher associations and
50 organizations that are sanctioned by the school district's school board or the
51 department of elementary and secondary education; and

52 (k) The right of a parent to opt out of any district-level data collection relating to
53 his or her minor child not required by law.

54 **2. A school district's school board may provide the information required under**
55 **this section electronically or post the information on its website.**

56 **3. A parent may request, in writing, from the school district's superintendent the**
57 **information required under this section. Within ten days, the school district's**
58 **superintendent shall provide the information to the parent. If the school district's**
59 **superintendent denies a parent's request for information or does not respond to the**
60 **parent's request within ten days, the parent may appeal the denial to the school district's**
61 **school board. The school district's school board shall place a parent's appeal on the**
62 **agenda for its next public meeting. If it is too late for a parent's appeal to appear on the**
63 **next agenda, the appeal shall be included on the agenda for the subsequent meeting.**

1.660. 1. Except as otherwise provided by law, a health care professional as
2 **defined under section 191.300 or an individual employed by such health care**
3 **professional shall not provide or solicit or arrange to provide health care services or**
4 **prescribe medicinal drugs to a minor child without first obtaining written parental**
5 **consent.**

6 **2. Except as otherwise provided by law or a court order, a provider as defined**
7 **under section 191.923 shall not allow a medical procedure to be performed on a minor**
8 **child in its health care facility without first obtaining written parental consent.**

9 **3. This section shall not apply to an abortion under chapter 188.**

10 **4. This section shall not apply to services provided by a clinical laboratory,**
11 **unless the services are delivered through a direct encounter with the minor child at the**
12 **clinical laboratory facility. For purposes of this subsection, "clinical laboratory" means**
13 **the physical location in which services are performed to provide information or**
14 **materials for use in the diagnosis, prevention, or treatment of a disease or the**
15 **identification or assessment of a medical or physical condition.**

16 **5. A health care professional, provider, or other person who violates this section**
17 **shall be subject to disciplinary action by the appropriate licensing authority and shall be**
18 **guilty of a class A misdemeanor.**

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