

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1738

5 By: Representative McAlindon
6 By: Senator G. Stubblefield
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE PARENTS' BILL OF RIGHTS; AND FOR
10 OTHER PURPOSES.
11

Subtitle

14 TO CREATE THE PARENTS' BILL OF RIGHTS.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

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

21 Subchapter 25 – Parents' Bill of Rights
22

23 6-18-2501. Title.

24 This subchapter shall be known and may be cited as the "Parents' Bill
25 of Rights".
26

27 6-18-2502. Legislative findings.

28 The General Assembly finds that:

29 (1) This act shall require public school district boards of
30 directors to adopt procedures that comport with certain provisions of law
31 regarding the notification of a student's parent of specified information;

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

35 (3) This act shall also prohibit public school personnel from
36 discouraging or prohibiting parental notification and involvement in critical



1 decisions that affect students' mental, emotional, or physical well-being;
2 and

3 (4) An additional purpose of this act is to prohibit classroom
4 teachers from being compelled to adopt controversial viewpoints.

5
6 6-18-2503. Definitions.

7 As used in this subchapter:

8 (1) "Controversial viewpoint" means an idea that espouses,
9 promotes, advances, or compels a student to believe any of the following,
10 which constitute discrimination based on race, color, sex, or national
11 origin:

12 (A) Members of one (1) race, color, sex, or national
13 origin are morally superior to members of another race, color, sex, or
14 national origin;

15 (B) An individual, by virtue of his or her race, color,
16 sex, or national origin, is inherently racist, sexist, or oppressive, whether
17 consciously or unconsciously;

18 (C) An individual's moral character or status as either
19 privileged or oppressed is necessarily determined by his or her race, color,
20 sex, or national origin;

21 (D) Members of one (1) race, color, sex, or national
22 origin cannot and should not attempt to treat others without respect to race,
23 color, sex, or national origin;

24 (E) An individual, by virtue of his or her race, color,
25 sex, or national origin, bears responsibility for, or should be discriminated
26 against or receive adverse treatment because of, actions committed in the
27 past by other members of the same race, color, sex, or national origin;

28 (F) An individual, by virtue of his or her race, color,
29 sex, or national origin, should be discriminated against or receive adverse
30 treatment to achieve diversity, equity, or inclusion;

31 (G) An individual should feel discomfort, guilt, anguish,
32 or any other form of psychological distress on account of his or her race,
33 color, sex, or national origin; or

34 (H) Virtues such as merit, excellence, hard work,
35 fairness, neutrality, objectivity, and racial colorblindness are racist or
36 sexist, or were created by members of a particular race, color, sex, or

1 national origin to oppress members of another race, color, sex, or national
 2 origin;

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

- 5 (i) The biological or adoptive parent of a student;
- 6 (ii) A student's legal guardian; and
- 7 (iii) A person standing in loco parentis to a
 8 student.

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

- 10 (i) As to whom the parent-child relationship has
 11 been terminated; and
- 12 (ii) Not entitled to possession of or access to a
 13 child under a court order; and

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

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

19
 20 6-18-2504. Parental rights.

21 A parent shall be entitled to:

22 (1) Access full information regarding the activities of a public
 23 school in which the parent's child is enrolled;

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

- 28 (A) Teaching materials;
- 29 (B) Instructional materials;
- 30 (C) Required textbooks;
- 31 (D) Course syllabi;
- 32 (E) Lesson plans; and
- 33 (F) Other teaching aids;

34 (3)(A) Remove the parent's child temporarily from a class or
 35 other public school activity if:

- 36 (i) The class or other public school activity

1 conflicts with the parent's religious or moral beliefs; or

2 (ii) The parent deems the class or public school
 3 activity to espouse, promote, advance, or compel the parent's child to adopt
 4 a controversial viewpoint.

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

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

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

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

16 (4)(A) Gain access to a meeting of the public school district
 17 board of directors of the public school district in which the parent's child
 18 is enrolled, except in cases of an executive session of the public school
 19 district board of directors.

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

24 (i) Public school district board of directors; or

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

28
 29 6-18-2505. Public school district responsibilities.

30 The duties of a public school district board of directors under this
 31 subchapter shall include the requirement to:

32 (1) Publish all of the following that are readily available on
 33 the website of the public school district board of directors annually by
 34 October 1 for review by parents:

35 (A) Teaching materials;

36 (B) Required textbooks;

1 (C) Course syllabi;

2 (D) Lesson plans; and

3 (E) Required tests scheduled for the school year;

4 (2)(A) Adopt procedures for notifying a student's parent within
 5 twenty-four (24) hours if there is a change in the student's services or
 6 monitoring related to the student's mental, emotional, or physical health or
 7 well-being and the public school district's ability to provide a safe and
 8 supportive learning environment for the student.

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

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

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

17 (C) Procedures adopted under subdivision (2)(A) of this
 18 section shall not prohibit a parent from accessing any of the education and
 19 health records pertaining to the parent's child that are created, maintained,
 20 or used by the public school district in which the parent's child is
 21 enrolled;

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

23 (i) Prohibit public school district personnel from
 24 notifying the parent of a student regarding:

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

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

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

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

1 (ii) However, a public school district may adopt
2 procedures that permit public school personnel to withhold parental
3 notification of information described under subdivision (3)(B)(i) of this
4 section if a reasonably prudent person would believe that the disclosure of
5 information would result in abuse, abandonment, or neglect of a child; and

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

8 (i) Shall not occur in kindergarten through grade
9 five (K-5); and

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

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

16
17 6-18-2506. Rules.

18 The Division of Elementary and Secondary Education shall promulgate
19 rules necessary to implement this subchapter.

20 (1) When adopting the initial rules to implement this
21 subchapter, the final rules shall be filed with the Secretary of State for
22 adoption under § 25-15-204(f):

23 (A) On or before January 1, 2024; or

24 (B) If approval under § 10-3-309 has not occurred by
25 January 1, 2024, as soon as practicable after approval under § 10-3-309.

26 (2) The division shall file the proposed rules with the
27 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
28 2024, so that the Legislative Council may consider the rule for approval
29 before January 1, 2024.