

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

As Engrossed: H4/3/23

# 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.

### Subtitle

14 TO CREATE THE PARENTS' BILL OF RIGHTS.

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

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

23 6-18-2501. Title.

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

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 and governing bodies of open-enrollment public charter schools to  
31 adopt procedures that comport with certain provisions of law regarding the  
32 notification of a student's parent of specified information;

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

36 (3) This act shall also prohibit public school personnel from



1 discouraging or prohibiting parental notification and involvement in critical  
2 decisions that affect students' mental, emotional, or physical well-being;  
3 and

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

6  
7 6-18-2503. Definitions.

8 As used in this subchapter:

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

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

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

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

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

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

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

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

35 (H) Virtues such as merit, excellence, hard work,  
36 fairness, neutrality, objectivity, and racial colorblindness are racist or

1 sexist, or were created by members of a particular race, color, sex, or  
2 national origin to oppress members of another race, color, sex, or national  
3 origin;

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

6 (i) The biological or adoptive parent of a student;

7 (ii) A student's legal guardian; and

8 (iii) A person standing in loco parentis to a  
9 student.

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

11 (i) As to whom the parent-child relationship has  
12 been terminated; and

13 (ii) Not entitled to possession of or access to a  
14 child under a court order; and

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

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

21 (1) Access all information that directly relates to his or her child  
22 from the public school in which his or her child is enrolled;

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

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

29 (A) Teaching materials;

30 (B) Instructional materials;

31 (C) Required textbooks;

32 (D) Course syllabi;

33 (E) Lesson plans; and

34 (F) Other teaching aids;

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

1 (i) The class or other public school activity  
2 conflicts with the parent's religious or moral beliefs; or

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

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

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

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

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

17 (4)(A) Gain access to a meeting of the following, except in  
18 cases of an executive session:

19 (i) The public school district board of directors of  
20 the public school district in which the parent's child is enrolled; or

21 (ii) The governing body of the open-enrollment  
22 public charter school in which the parent's child is enrolled.

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

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

28 (ii) Governmental entity if the boundaries of the  
29 governmental entity are in whole or in part within the boundaries of the  
30 public school district.

31  
32 6-18-2505. Public school district and open-enrollment public charter  
33 school responsibilities.

34 The duties of public school district boards of directors and governing  
35 bodies of open-enrollment public charter schools under this subchapter shall  
36 include the requirement to:

1           (1) Make available annually by October 1 for review by parents  
2 all of the following that are reasonably available:

3           (A) Teaching materials;

4           (B) Required textbooks;

5           (C) Course syllabi;

6           (D) Lesson plans; and

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

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

14           (B) Procedures adopted under subdivision (2)(A) of this  
15 section shall reinforce the fundamental right of a parent to make decisions  
16 regarding the upbringing and control of the parent's child by requiring  
17 public school district and open-enrollment public charter school personnel  
18 to:

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

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

23           (C) Procedures adopted under subdivision (2)(A) of this  
24 section shall not prohibit a parent from accessing any of the education and  
25 health records pertaining to the parent's child that are created, maintained,  
26 or used by the public school district or open-enrollment public charter  
27 school in which the parent's child is enrolled;

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

29           (i) Prohibit public school district or open-  
30 enrollment public charter school personnel from notifying the parent of a  
31 student regarding:

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

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

36           (ii) Encourage a student to withhold information

1 from the student's parent as it pertains to the student's mental, emotional,  
2 or physical health or well-being or a change in related services or  
3 monitoring as it pertains to the student.

4 (B)(i) Public school district and open-enrollment public  
5 charter school personnel shall not discourage or prohibit parental  
6 notification of and involvement in critical decisions that affect a parent's  
7 child's mental, emotional, or physical health or well-being.

8 (ii) However, a public school district or open-  
9 enrollment public charter school may adopt procedures that permit public  
10 school personnel to withhold parental notification of information described  
11 under subdivision (3)(B)(i) of this section if a reasonably prudent person  
12 would believe that the disclosure of information would result in abuse,  
13 abandonment, or neglect of a child; and

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

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

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

20 (B) However, nothing in this section shall be construed as  
21 requiring public school personnel, a public school district, or an open-  
22 enrollment public charter school to provide classroom instruction on sexual  
23 orientation or gender identity to students in grades six through twelve (6-  
24 12).

25  
26 6-18-2506. Rules.

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

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

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

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

35 (2) The division shall file the proposed rules with the  
36 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,

1 2024, so that the Legislative Council may consider the rule for approval  
2 before January 1, 2024.

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