

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
22 6-18-2504. Parental rights.

23 A parent shall be entitled to:

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

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

30 (A) Teaching materials;

31 (B) Instructional materials;

32 (C) Required textbooks;

33 (D) Course syllabi;

34 (E) Lesson plans; and

35 (F) Other teaching aids;

36 (3)(A) Remove the parent's child temporarily from a class or

1 other public school activity if:

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

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

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

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

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

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

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

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

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

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

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

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

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

35 The duties of public school district boards of directors and governing
36 bodies of open-enrollment public charter schools under this subchapter shall

1 include the requirement to:

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

4 (A) Teaching materials;

5 (B) Required textbooks;

6 (C) Course syllabi;

7 (D) Lesson plans; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (B) However, nothing in this section shall be construed as
22 requiring public school personnel, a public school district, or an open-
23 enrollment public charter school to provide classroom instruction on sexual
24 orientation or gender identity to students in grades six through twelve (6-
25 12).

26
27 6-18-2506. Rules.

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

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

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

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

36 (2) The division shall file the proposed rules with the

1 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
2 2024, so that the Legislative Council may consider the rule for approval
3 before January 1, 2024.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/McAlindon