

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H4/3/23 H4/7/23*

2 94th General Assembly

A Bill

3 Regular Session, 2023

HOUSE BILL 1738

4

5 By: Representative McAlindon

6 By: Senator G. Stubblefield

7

8

For An Act To Be Entitled

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

11

12

13

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 of Rights".

25

26 6-18-2502. Legislative findings.

27

The General Assembly finds that:

28

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

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

37

(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
4 6-18-2503. Definitions.

5 As used in this subchapter:

6 (1)(A) "Parent" means an individual standing in parental
7 relation to a student, including:

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

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

10 (iii) A person standing in loco parentis to a
11 student.

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

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

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

17 (2)(A) "Sex" means the physical condition of being male or
18 female based on genetics and physiology.

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

23
24 6-18-2504. Parental rights.

25 A parent shall be entitled to:

26 (1) Access all information that directly relates to his or her
27 child, pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. §
28 1232g, from the public school in which his or her child is enrolled;

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

33 (A) Teaching materials;

34 (B) Instructional materials;

35 (C) Required textbooks;

36 (D) Course syllabi;

1 (E) Lesson plans; and

2 (F) Other teaching aids;

3 (3)(A) Remove the parent's child temporarily from a class or
4 other public school activity if the class or other public school activity
5 conflicts with the parent's religious or moral beliefs.

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 or when prohibited by law or court order:

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 for review by parents, upon request, all of
2 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, or the timeframe otherwise specified by state or
10 federal law, if there is a change in the student's services or monitoring
11 related to the student's mental, emotional, or physical health or well-being
12 and the public school district's or open-enrollment public charter school's
13 ability to provide a safe and supportive learning environment for the
14 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 and that the parent is
29 entitled to access under the Family Educational Rights and Privacy Act, 20
30 U.S.C. § 1232g, or other state or federal law;

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

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

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

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

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

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

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

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

19 (i) Shall not occur in kindergarten through grade
20 five (K-5), as provided by Acts 2023, No. 237; and

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

23 (B) However, nothing in this section shall be construed as
24 requiring public school personnel, a public school district, or an open-
25 enrollment public charter school to provide classroom instruction on sexual
26 orientation or gender identity to students in grades six through twelve (6-
27 12).

28
29 6-18-2506. Rules.

30 (a) The Division of Elementary and Secondary Education shall
31 promulgate rules necessary to implement this subchapter.

32 (b) When adopting the initial rules to implement this
33 subchapter, the final rules shall be filed with the Secretary of State for
34 adoption under 25-15-204(f).

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36 /s/McAlindon