

1 **SENATE FLOOR VERSION**

2 April 2, 2014

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1384

6 By: Kern, Hulbert, Fisher,
7 Cockroft, Walker, Murphey,
8 Blackwell, Bennett and
9 Turner of the House

10 and

11 Griffin and Shortey of the
12 Senate

13 [parental rights - Parents' Bill of Rights -
14 infringing upon parental rights - codification -
15 effective date]

16 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 2001 of Title 25, unless there
19 is created a duplication in numbering, reads as follows:

20 A. This act shall be known and may be cited as the "Parents'
21 Bill of Rights".

22 B. This state, any political subdivision of this state or any
23 other governmental entity shall not infringe on the right of parents
24 to direct the upbringing, education, health care and mental health
of their children without demonstrating that the compelling
governmental interest as applied to the child involved is of the

1 highest order, is narrowly tailored and is not otherwise served by a
2 less restrictive means.

3 C. As used in the Parents' Bill of Rights, "parent" means the
4 natural or adoptive parent or legal guardian of a minor child.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 2002 of Title 25, unless there
7 is created a duplication in numbering, reads as follows:

8 A. All parental rights are reserved to a parent of a minor
9 child without obstruction or interference from this state, any
10 political subdivision of this state, any other governmental entity
11 or any other institution, including, but not limited to, the
12 following rights:

13 1. The right to direct the education of the minor child;

14 2. All rights of parents identified in Title 70 of the Oklahoma
15 Statutes, including the right to access and review all school
16 records relating to the minor child;

17 3. The right to direct the upbringing of the minor child;

18 4. The right to direct the moral or religious training of the
19 minor child;

20 5. The right to make healthcare decisions for the minor child,
21 unless otherwise prohibited by law;

22 6. The right to access and review all medical records of the
23 minor child unless otherwise prohibited by law or the parent is the
24 subject of an investigation of a crime committed against the minor

1 child and a law enforcement official requests that the information
2 not be released;

3 7. The right to consent in writing before a biometric scan of
4 the minor child is made, shared or stored;

5 8. The right to consent in writing before any record of the
6 minor child's blood or deoxyribonucleic acid (DNA) is created,
7 stored or shared, except as required by Sections 1-516 and 1-524.1
8 of Title 63 of the Oklahoma Statutes, or unless authorized pursuant
9 to a court order;

10 9. The right to consent in writing before the state or any of
11 its political subdivisions makes a video or voice recording of the
12 minor child, unless the video or voice recording is made during or
13 as a part of a court proceeding, by law enforcement officers during
14 or as part of a law enforcement investigation, during or as part of
15 a forensic interview in a criminal or Department of Human Services
16 investigation or to be used solely for any of the following:

17 a. safety demonstrations, including the maintenance of
18 order and discipline in the common areas of a school
19 or on student transportation vehicles,

20 b. a purpose related to a legitimate academic or
21 extracurricular activity,

22 c. a purpose related to regular classroom instruction,

23 d. security or surveillance of buildings or grounds, and

24 e. a photo identification card; and

1 10. The right to be notified promptly if an employee of this
2 state, any political subdivision of this state, any other
3 governmental entity or any other institution suspects that a
4 criminal offense has been committed against the minor child by
5 someone other than a parent, unless the incident has first been
6 reported to law enforcement and notification of the parent would
7 impede a law enforcement or Department of Human Services
8 investigation. This paragraph does not create any new obligation
9 for school districts and charter schools to report misconduct
10 between students at school, such as fighting or aggressive play,
11 that is routinely addressed as a student disciplinary matter by the
12 school.

13 B. This section does not authorize or allow a parent to engage
14 in conduct that is unlawful or to abuse or neglect a child in
15 violation of the laws of this state. This section shall not be
16 construed to apply to a parental action or decision that would end
17 life. This section does not prohibit courts, law enforcement
18 officers or employees of a government agency responsible for child
19 welfare from acting in their official capacity within the reasonable
20 and prudent scope of their authority. This section does not
21 prohibit a court from issuing an order that is otherwise permitted
22 by law.

23 C. Any attempt to encourage or coerce a minor child to withhold
24 information from the child's parent shall be grounds for discipline

1 of an employee of this state, any political subdivision of this
2 state or any other governmental entity, except for law enforcement
3 personnel.

4 D. Unless those rights have been legally waived or legally
5 terminated, parents have inalienable rights that are more
6 comprehensive than those listed in this section. The Parents' Bill
7 of Rights does not prescribe all rights of parents. Unless
8 otherwise required by law, the rights of parents of minor children
9 shall not be limited or denied. The Parents' Bill of Rights shall
10 not be construed to apply to a parental action or decision that
11 would end life.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 2003 of Title 25, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The board of education of a school district, in consultation
16 with parents, teachers and administrators, shall develop and adopt a
17 policy to promote the involvement of parents and guardians of
18 children enrolled in the schools within the school district,
19 including:

20 1. A plan for parent participation in the schools which is
21 designed to improve parent and teacher cooperation in such areas as
22 homework, attendance and discipline;

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1 2. Procedures by which parents may learn about the course of
2 study for their children and review learning materials, including
3 the source of any supplemental educational materials;

4 3. Procedures by which parents who object to any learning
5 material or activity on the basis that it is harmful may withdraw
6 their children from the activity or from the class or program in
7 which the material is used. Objection to a learning material or
8 activity on the basis that it is harmful includes objection to a
9 material or activity because it questions beliefs or practices in
10 sex, morality or religion;

11 4. If a school district offers any sex education curricula
12 pursuant to Section 11-105.1 of Title 70 of the Oklahoma Statutes or
13 pursuant to any rules adopted by the State Board of Education,
14 procedures to opt out of a school district from providing sex
15 education instruction to a child if the child's parent provides
16 written objection to the child's participation in the sex education
17 curricula;

18 5. Procedures by which parents will be notified in advance of
19 and given the opportunity to withdraw their children from any
20 instruction or presentations regarding sexuality in courses other
21 than formal sex education curricula pursuant to Section 11-105.1 of
22 Title 70 of the Oklahoma Statutes;

23 6. Procedures by which parents may learn about the nature and
24 purpose of clubs and activities that are part of the school

1 curriculum, as well as extracurricular clubs and activities that
2 have been approved by the school; and

3 7. Procedures by which parents may learn about parental rights
4 and responsibilities under the laws of this state, including the
5 following:

- 6 a. the right to opt out of a sex education curriculum if
7 one is provided by the school district,
- 8 b. open enrollment rights,
- 9 c. the right to opt out of assignments pursuant to this
10 section,
- 11 d. the right to be exempt from the immunization laws of
12 the state pursuant to Section 1210.192 of Title 70 of
13 the Oklahoma Statutes,
- 14 e. the promotion requirements prescribed in Section
15 1210.508E of Title 70 of the Oklahoma Statutes,
- 16 f. the minimum course of study and competency
17 requirements for graduation from high school
18 prescribed in Section 11-103.6 of Title 70 of the
19 Oklahoma Statutes,
- 20 g. the right to opt out of instruction on the acquired
21 immune deficiency syndrome pursuant to Section 11-
22 103.3 of Title 70 of the Oklahoma Statutes,
- 23 h. the right to review test results,

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- 1 i. the right to participate in gifted programs pursuant
2 to Sections 1210.301 through 1210.308 of Title 70 of
3 the Oklahoma Statutes,
- 4 j. the right to inspect instructional materials used in
5 connection with any research or experimentation
6 program or project pursuant to Section 11-106 of Title
7 70 of the Oklahoma Statutes,
- 8 k. the right to receive a school report card,
- 9 l. the attendance requirements prescribed in Section 10-
10 106 of Title 70 of the Oklahoma Statutes,
- 11 m. the right to public review of courses of study and
12 textbooks,
- 13 n. the right to be excused from school attendance for
14 religious purposes,
- 15 o. policies related to parental involvement pursuant to
16 this section,
- 17 p. the right to participate in parent-teacher
18 associations and organizations that are sanctioned by
19 the board of education of a school district, and
- 20 q. the right to opt out of any data collection instrument
21 at the district level that would capture data for
22 inclusion in the state longitudinal student data
23 system except what is necessary and essential for
24 establishing a student's public school record.

1 B. The board of education of a school district may adopt a
2 policy to provide to parents the information required by this
3 section in an electronic form.

4 C. A parent shall submit a written request for information
5 pursuant to this section during regular business hours to either the
6 school principal at the school site or the superintendent of the
7 school district at the office of the school district. Within ten
8 (10) days of receiving the request for information, the school
9 principal or the superintendent of the school district shall either
10 deliver the requested information to the parent or submit to the
11 parent a written explanation of the reasons for the denial of the
12 requested information. If the request for information is denied or
13 the parent does not receive the requested information within fifteen
14 (15) days after submitting the request for information, the parent
15 may submit a written request for the information to the board of
16 education of a school district, which shall formally consider the
17 request at the next scheduled public meeting of the board if the
18 request can be properly noticed on the agenda. If the request
19 cannot be properly noticed on the agenda, the board of education of
20 a school district shall formally consider the request at the next
21 subsequent public meeting of the board.

22 SECTION 4. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 2004 of Title 25, unless there
24 is created a duplication in numbering, reads as follows:

1 A. Except as otherwise provided by law, no person, corporation,
2 association, organization, state-supported institution, or
3 individual employed by any of these entities may procure, solicit to
4 perform, arrange for the performance of, perform surgical
5 procedures, or perform a physical examination upon a minor or
6 prescribe any prescription drugs to a minor without first obtaining
7 a written consent of a parent or legal guardian of the minor.

8 B. No hospital as defined in Section 1-701 of Title 63 of the
9 Oklahoma Statutes may permit surgical procedures to be performed
10 upon a minor in its facilities without first having received a
11 written consent from a parent or legal guardian of the minor.

12 C. The provisions of this section shall not apply when it has
13 been determined by a physician that an emergency exists and that it
14 is necessary to perform such surgical procedures for the treatment
15 of an injury or drug abuse, or to save the life of the patient, or
16 when such parent or legal guardian cannot be located or contacted
17 after a reasonably diligent effort.

18 D. The provisions of this section shall not apply to an
19 abortion, which shall be governed by the provisions of Sections 1-
20 740 through 1-740.6 and Sections 1-744 through 1-744.6 of Title 63
21 of the Oklahoma Statutes or any successor statute.

22 E. A person who violates a provision of this section is guilty
23 of a misdemeanor, punishable by a fine of not more than One Thousand
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1 Dollars (\$1,000.00) or imprisonment of not more than one (1) year in
2 the county jail, or by both such fine and imprisonment.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 2005 of Title 25, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Except as otherwise provided by law or a court order, no
7 person, corporation, association, organization or state-supported
8 institution, or any individual employed by any of these entities,
9 may procure, solicit to perform, arrange for the performance of or
10 perform mental health evaluation in a clinical or nonclinical
11 setting or mental health treatment on a minor without first
12 obtaining the written or oral consent of a parent or a legal
13 guardian of the minor child. If the parental consent is given
14 through telemedicine, the health professional must verify the
15 identity of the parent at the site where the consent is given.

16 B. This section does not apply when an emergency exists that
17 requires a person to perform mental health screening or provide
18 mental health treatment to prevent serious injury to or save the
19 life of a minor child.

20 C. A person who violates this section is guilty of a
21 misdemeanor, punishable by a fine of not more than One Thousand
22 Dollars (\$1,000.00) or imprisonment of not more than one (1) year in
23 the county jail, or by both such fine and imprisonment.

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SECTION 6. This act shall become effective November 1, 2014.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
April 2, 2014 - DO PASS AS AMENDED

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