

Parental Involvement in Education

PARENTS' BILL OF RIGHTS

(Enacted by the 49th Arizona Legislature,

2nd Regular Session (2010)

Session Law SB1309, Chapter 307

Arizona Revised Statutes 1-601 and 1-602)

Parents' Rights Protected

The liberty of parents to direct the upbringing, education, health care and mental health of their children is a fundamental right. This state, any political subdivision of this state or any other governmental entity shall not infringe on these rights without demonstrating that the compelling governmental interest as applied to the child involved is of the highest order, is narrowly tailored and is not otherwise served by a less restrictive means.

Parents' Bill of Rights; definition

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

- The right to direct the education of the minor child.
- All rights of parents identified in Title 15, including the right to access and review all records relating to the minor child.
- The right to direct the upbringing of the minor child.
- The right to direct the moral or religious training of the minor child.
- The right to make health care decisions for the minor child, including rights pursuant to sections 15-873, 36-2271 and 36-2272, unless otherwise prohibited by law.
- The right to access and review all medical records of the minor child unless otherwise prohibited by law or the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement official requests that the information not be released.
- The right to consent in writing before a biometric scan of the minor child is made pursuant to section 15-109.
- The right to consent in writing before any record of the minor child's blood or deoxyribonucleic acid is created, stored, or shared, except as required by section 36-694, or before any genetic testing is conducted on the minor child pursuant to section 12-2803 unless authorized pursuant to section 13-610 or a court order.
- The right to consent in writing before the state or any of its political subdivisions makes a video or voice recording of the minor child, unless the video or voice recording is made during or as a part of a court proceeding, during or as part of a forensic interview in a criminal or child protective services investigation or to be used solely for any of the following:
 - Safety demonstrations, including the maintenance of order and discipline in the common areas of a school or on pupil transportation vehicles.
 - A purpose related to a legitimate academic or extracurricular activity.
 - A purpose related to regular classroom instruction.
 - Security or surveillance of buildings or grounds.
 - A photo identification card.

- The right to be notified promptly if an employee of this state, any political subdivision of this state, any other governmental entity or any other institution suspects that a criminal offense has been committed against the minor child by someone other than a parent, unless the incident has first been reported to law enforcement and notification of the parent would impede a law enforcement or child protective services investigation. This paragraph does not create any new obligation for school districts and charter schools to report misconduct between students at school, such as fighting or aggressive play, which are routinely addressed as student disciplinary matters by the school.
 - The right to obtain information about a child protective services investigation involving the parent pursuant to section 8-807.
 - This section does not authorize or allow a parent to engage in conduct that is unlawful or to abuse or neglect a child in violation of the laws of this state. This section does not prohibit courts, law enforcement officers or employees of a government agency responsible for child welfare from acting in their official capacity within the scope of their authority. This section does not prohibit a court from issuing an order that is otherwise permitted by law.
 - Any attempt to encourage or coerce a minor child to withhold information from the child's parent shall be grounds for discipline of an employee of this state, any political subdivision of this state or any other governmental entity, except for law enforcement personnel.
 - Unless those rights have been legally waived or legally terminated, parents have inalienable rights that are more comprehensive than those listed in this section. This chapter does not prescribe all rights of parents. Unless otherwise required by law, the rights of parents of minor children shall not be limited or denied.
 - For the purposes of this section, "parent" means the natural or adoptive parent or legal guardian of a minor child.
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