

By: Senator(s) McDaniel

To: Education

SENATE BILL NO. 2761

1 AN ACT RELATING TO PARENTS' BILL OF RIGHTS; PROVIDING THAT
2 THE STATE, ITS POLITICAL SUBDIVISIONS, OTHER GOVERNMENTAL
3 ENTITIES, OR OTHER INSTITUTIONS MAY NOT INFRINGE ON PARENTAL
4 RIGHTS WITHOUT DEMONSTRATING SPECIFIED INFORMATION; PROVIDING THAT
5 A PARENT OF A MINOR CHILD HAS SPECIFIED RIGHTS RELATING TO HIS OR
6 HER MINOR CHILD; PROHIBITING THE STATE FROM INFRINGING UPON
7 SPECIFIED PARENTAL RIGHTS; PROVIDING THAT CERTAIN ACTIONS BY
8 SPECIFIED INDIVIDUALS ARE GROUNDS FOR DISCIPLINARY ACTIONS AGAINST
9 SUCH INDIVIDUALS; PROHIBITING SPECIFIED PARENTAL RIGHTS FROM BEING
10 DENIED OR ABRIDGED; REQUIRING EACH DISTRICT SCHOOL BOARD TO
11 DEVELOP AND ADOPT A POLICY TO PROMOTE PARENTAL INVOLVEMENT IN THE
12 PUBLIC SCHOOL SYSTEM; PROVIDING REQUIREMENTS FOR SUCH POLICY;
13 DEFINING THE TERM "INSTRUCTIONAL MATERIALS"; AUTHORIZING A
14 DISTRICT SCHOOL BOARD TO PROVIDE SUCH POLICY ELECTRONICALLY OR ON
15 ITS WEBSITE; AUTHORIZING A PARENT TO REQUEST CERTAIN INFORMATION
16 IN WRITING; PROVIDING A PROCEDURE FOR THE DENIAL OF SUCH
17 INFORMATION; PROHIBITING CERTAIN HEALTH CARE PRACTITIONERS AND
18 THEIR EMPLOYEES FROM TAKING SPECIFIED ACTIONS WITHOUT A PARENT'S
19 WRITTEN PERMISSION; PROHIBITING A HEALTH CARE FACILITY FROM
20 ALLOWING CERTAIN ACTIONS WITHOUT A PARENT'S WRITTEN PERMISSION;
21 PROVIDING EXCEPTIONS; PROVIDING FOR DISCIPLINARY ACTIONS AND
22 CRIMINAL PENALTIES; PROVIDING THAT CERTAIN VIOLATIONS RELATING TO
23 PARENTAL CONSENT ARE GROUNDS FOR ADMINISTRATIVE FINES FOR HEALTH
24 CARE FACILITIES; PROVIDING THAT FAILURE TO COMPLY WITH CERTAIN
25 PARENTAL CONSENT REQUIREMENTS IS GROUNDS FOR DISCIPLINARY ACTION
26 FOR HEALTH CARE PRACTITIONERS; AND FOR RELATED PURPOSES.

27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

28 **SECTION 1.** (1) **Short title.** This section may be cited as
29 the "Parents' Bill of Rights."



30 (2) **Legislative findings and definitions.** (a) The
31 Legislature finds that it is a fundamental right of parents to
32 direct the upbringing, education, and care of their minor
33 children. The Legislature further finds that important
34 information relating to a minor child should not be withheld,
35 either inadvertently or purposefully, from his or her parent,
36 including information relating to the minor child's health,
37 well-being and education, while the minor child is in the custody
38 of the school district. The Legislature further finds it is
39 necessary to establish a consistent mechanism for parents to be
40 notified of information relating to the health and well-being of
41 their minor children.

42 (b) For purposes of this act, the term "parent" means a
43 person who has legal custody of a minor child as a natural or
44 adoptive parent or a legal guardian.

45 (3) **Infringement of parental rights.** The state, any of its
46 political subdivisions, any other governmental entity, or any
47 other institution may not infringe on the fundamental rights of a
48 parent to direct the upbringing, education, health care and mental
49 health of his or her minor child without demonstrating that such
50 action is reasonable and necessary to achieve a compelling state
51 interest and that such action is narrowly tailored and is not
52 otherwise served by a less restrictive means.

53 (4) **Parental rights.** All parental rights are reserved to
54 the parent of a minor child in this state without obstruction or



55 interference from the state, any of its political subdivisions,
56 any other governmental entity, or any other institution,
57 including, but not limited to, all of the following rights of a
58 parent of a minor child in this state:

59 (a) The right to direct the education and care of his
60 or her minor child;

61 (b) The right to direct the upbringing and the moral or
62 religious training of his or her minor child;

63 (c) The right to apply to enroll his or her minor child
64 in a public school or, as an alternative to public education, a
65 private school, including a religious school, a home education
66 program, or other available options, as authorized by law;

67 (d) The right to access and review all school records
68 relating to his or her minor child;

69 (e) The right to make health care decisions for his or
70 her minor child, unless otherwise prohibited by law;

71 (f) The right to access and review all medical records
72 of his or her minor child, unless prohibited by law or if the
73 parent is the subject of an investigation of a crime committed
74 against the minor child and a law enforcement agency or official
75 requests that the information not be released;

76 (g) The right to consent in writing before a biometric
77 scan of his or her minor child is made, shared, or stored;

78 (h) The right to consent in writing before any record
79 of his or her minor child's blood or deoxyribonucleic acid (DNA)



80 is created, stored or shared, except as required by general law or
81 authorized pursuant to a court order; and

82 (i) The right to consent in writing before the state or
83 any of its political subdivisions makes a video or voice recording
84 of his or her minor child unless such recording is made during or
85 as part of a court proceeding or is made as part of a forensic
86 interview in a criminal or Department of Child Protection Services
87 investigation or is to be used solely for the following purposes:

88 (i) A safety demonstration, including the
89 maintenance of order and discipline in the common areas of a
90 school or on student transportation vehicles;

91 (ii) A purpose related to a legitimate academic or
92 extracurricular activity;

93 (iii) A purpose related to regular classroom
94 instructions;

95 (iv) Security or surveillance of buildings or
96 grounds; or

97 (v) A photo identification card.

98 (j) The right to be notified promptly if an employee of
99 the state, any of its political subdivisions, any other
100 governmental entity, or any other institution suspects that a
101 criminal offense has been committed against his or her minor
102 child, unless the incident has first been reported to law
103 enforcement or the Department of Child Protection Services and
104 notifying the parent would impede the investigation.



105 (5) This section does not:

106 (a) Authorize a parent of a minor child in this state
107 to engage in conduct that is unlawful or to abuse or neglect his
108 or her minor child in violation of general law;

109 (b) Condone, authorize, approve or apply to a parental
110 action or decision that would end life;

111 (c) Prohibit a court of competent jurisdiction, law
112 enforcement officer, or employees of a government agency that is
113 responsible for child welfare from acting in his or her official
114 capacity within the reasonable and prudent scope of his or her
115 authority; or

116 (d) Prohibit a court of competent jurisdiction from
117 issuing an order that is otherwise permitted by law.

118 (6) An employee of the state, any of its political
119 subdivisions, or any other governmental entity who encourages or
120 coerces, or attempts to encourage or coerce, a minor child to
121 withhold information from his or her parent may be subject to
122 disciplinary action.

123 A parent of a minor child in this state has inalienable
124 rights that are more comprehensive than those listed in this
125 section, unless such rights have been legally waived or
126 terminated. This act does not prescribe all rights to a parent of
127 a minor child in this state. Unless required by law, the rights
128 of a parent of a minor child in this state may not be limited or



129 denied. This act may not be construed to apply to a parental
130 action or decision that would end life.

131 (7) **School district notifications on parental rights.** Each
132 local school board shall, in consultation with parents, teachers
133 and administrators, develop and adopt a policy to promote parental
134 involvement in the public school system. Such policy must
135 include:

136 (a) A plan for parental participation in schools to
137 improve parent and teacher cooperation in such areas as homework,
138 school attendance and discipline;

139 (b) A procedure for a parent to learn about his or her
140 minor child's course of study, including the source of any
141 supplemental education materials;

142 (c) Procedures for a parent to object to instructional
143 materials and other materials used in the classroom. Such
144 objections may be based on beliefs regarding morality, sex, and
145 religion or the belief that such materials are harmful. For
146 purposes of this section, the term "instructional materials" has
147 the same meaning and may include other materials used in the
148 classroom, including workbooks and worksheets, handouts, software,
149 applications and any digital media made available to students;

150 (d) Procedures for a parent to withdraw his or her
151 minor child from any portion of the school district's
152 comprehensive health education that relates to sex education or
153 instruction in acquired immune deficiency syndrome education or



154 any instruction regarding sexuality if the parent provides a
155 written objection to his or her minor child's participation. Such
156 procedures must provide for a parent to be notified in advance of
157 such course content so that he or she may withdraw his or her
158 minor child from those portions of the course;

159 (e) Procedures for a parent to learn about the nature
160 and purpose of clubs and activities offered at his or her minor
161 child's school, including those that are extracurricular or part
162 of the school curriculum; and

163 (f) Procedures for a parent to learn about parental
164 rights and responsibilities under general law, including all of
165 the following:

166 (i) The right to opt his or her minor child out of
167 any portion of the school district's comprehensive health
168 education that relates to sex education instruction in acquired
169 immune deficiency syndrome education or any instruction regarding
170 sexuality;

171 (ii) A plan to disseminate information about
172 school choice options, including open enrollment;

173 (iii) The right of a parent to exempt his or her
174 minor child from immunizations;

175 (iv) The right of a parent to review statewide,
176 standardized assessment results;

177 (v) The right of a parent to enroll his or her
178 minor child in gifted or special education programs;



179 (vi) The right of a parent to inspect school
180 district instructional materials;

181 (vii) The right of a parent to access information
182 relating to the school district's policies for promotion or
183 retention, including high school graduation requirements;

184 (viii) The right of a parent to receive a school
185 report card and be informed of his or her minor child's attendance
186 requirements;

187 (ix) The right of a parent to access information
188 relating to the state public education system, state standards,
189 report card requirements, attendance requirements, and
190 instructional materials requirements;

191 (x) The right of a parent to participate in
192 parent-teacher associations and organizations that are sanctioned
193 by a local school board or the Department of Education; and

194 (xi) The right of a parent to opt out of any
195 district-level data collection relating to his or her minor child
196 not required by law.

197 (8) A local school board may provide the information
198 required in this section electronically or post such information
199 on its website.

200 (9) A parent may request, in writing, from the local school
201 superintendent the information required under this section.
202 Within ten (10) days, the local school superintendent must provide
203 such information to the parent. If the district school



204 superintendent denies a parent's request for information or does
205 not respond to the parent's request within ten (10) days, the
206 parent may appeal the denial to the local school board. The local
207 school board must place a parent's appeal on the agenda for its
208 next public meeting. If it is too late for a parent's appeal to
209 appear on the next agenda, the appeal must be included on the
210 agenda for the subsequent meeting.

211 (10) Except as otherwise provided by law, a health care
212 practitioner, or an individual employed by such health care
213 practitioner, may not provide or solicit or arrange to provide
214 health care services or prescribe medicinal drugs to a minor child
215 without first obtaining written parental consent pursuant to the
216 provisions of the Informed Consent Law.

217 (11) Except as otherwise provided by law or a court order, a
218 provider may not allow a medical procedure to be performed on a
219 minor child in its facility without first obtaining written
220 parental consent.

221 (12) This section does not apply to services provided by a
222 clinical laboratory, unless the services are delivered through a
223 direct encounter with the minor at the clinical laboratory
224 facility.

225 (13) A health care practitioner or other person who violates
226 this section is subject to disciplinary action by the appropriate
227 licensure board.



228 **SECTION 2.** This act shall take effect and be in force from
229 and after July 1, 2023.

