

By: Senator(s) Fillingane

To: Public Health and Welfare

SENATE BILL NO. 2553

1 AN ACT TO ENACT THE MISSISSIPPI FAMILIES' RIGHTS AND  
 2 RESPONSIBILITIES ACT TO PROVIDE THAT THE STATE, ANY POLITICAL  
 3 SUBDIVISION OF THE STATE, OR ANY OTHER GOVERNMENTAL ENTITY SHALL  
 4 NOT SUBSTANTIALLY BURDEN THE FUNDAMENTAL RIGHT OF A PARENT TO  
 5 DIRECT THE UPBRINGING, EDUCATION, HEALTH CARE AND MENTAL HEALTH OF  
 6 THAT PARENT'S CHILD WITHOUT DEMONSTRATING THAT THE BURDEN IS  
 7 REQUIRED BY A COMPELLING GOVERNMENTAL INTEREST OF THE HIGHEST  
 8 ORDER AS APPLIED TO THE PARENT AND THE CHILD AND IS THE LEAST  
 9 RESTRICTIVE MEANS OF FURTHERING THAT COMPELLING GOVERNMENTAL  
 10 INTEREST; TO REQUIRE THE CONSENT OF A PARENT OR GUARDIAN FOR  
 11 CERTAIN ACTIONS, INCLUDING PRESCRIBING MEDICATION OR PERFORMING  
 12 SURGERY; TO SET CERTAIN EXCEPTIONS TO THE CONSENT REQUIREMENT; TO  
 13 PROVIDE THAT NO STATE EMPLOYEE SHALL WITHHOLD INFORMATION ABOUT  
 14 THE CHILD'S PHYSICAL, EMOTIONAL OR MENTAL HEALTH FROM THE PARENT;  
 15 TO PROVIDE A CAUSE OF ACTION TO PARENTS FOR ANY VIOLATION OF THE  
 16 ACT; TO PROVIDE THAT A PARENT MAY RAISE THE PROVISIONS OF THIS ACT  
 17 AS A DEFENSE AGAINST CERTAIN JUDICIAL OR ADMINISTRATIVE  
 18 PROCEEDINGS; TO PROVIDE CERTAIN LIMITATIONS ON THE PROVISIONS OF  
 19 THE ACT; TO SET CERTAIN TRANSPARENCY MEASURES FOR PUBLIC SCHOOLS  
 20 AND CHARTER SCHOOLS; TO ESTABLISH TEACHERS' EXPRESSIVE RIGHTS  
 21 WITHIN A SCHOOL; TO PROVIDE RULES OF CONSTRUCTION RELATED TO THE  
 22 ACT; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** This act shall be known and may be cited as the  
 25 Mississippi Families' Rights and Responsibilities Act.

26 **SECTION 2. Definitions.** For purposes of this act, the  
 27 following terms shall have the meanings ascribed herein:



28 (a) "Child" shall have the same meaning as provided  
29 under Section 43-15-103.

30 (b) "Curriculum" includes all textbooks, handouts,  
31 videos, software, questionnaires, surveys or other written or  
32 electronic materials used to instruct students in a class or  
33 course.

34 (c) "Educational records" includes attendance records,  
35 test scores of school-administered tests and state-wide  
36 assessments, grades, extracurricular activity or club  
37 participation, e-mail accounts, online or virtual accounts or  
38 data, disciplinary records, counseling records, psychological  
39 records, applications for admission, medical records, immunization  
40 information, teacher and counselor evaluations, and reports of  
41 behavioral patterns.

42 (d) "Parent" shall have the same meaning as provided  
43 under Section 37-23-133.

44 **SECTION 3. Parental Rights and Responsibilities.** (1) The  
45 state, any political subdivision of the state or any other  
46 governmental entity shall not substantially burden the fundamental  
47 right of a parent to direct the upbringing, education, health care  
48 and mental health of that parent's child without demonstrating  
49 that the burden is required by a compelling governmental interest  
50 of the highest order as applied to the parent and the child and is  
51 the least restrictive means of furthering that compelling  
52 governmental interest.



53           (2) All parental rights are exclusively reserved to a parent  
54 of a child without obstruction by or interference from the state,  
55 including without limitation, the following rights and  
56 responsibilities:

57           (a) To direct the upbringing of the child;

58           (b) To direct the moral or religious training of the  
59 child;

60           (c) To make and consent to all physical and mental  
61 health care decisions for the child;

62           (d) To access and review all health and medical records  
63 of the child;

64           (e) To direct the education of the child, including the  
65 right to choose public, private, religious, or home schools, and  
66 the right to make reasonable choices within public schools for the  
67 education of the child;

68           (f) To access and review all written and electronic  
69 educational records relating to the child that are controlled by  
70 or in the possession of a school;

71           (g) To have the child excused from school attendance  
72 for religious purposes;

73           (h) To participate in parent-teacher associations and  
74 school organizations that are sanctioned by the board of education  
75 of a school district;

76           (i) To be notified promptly if an employee of the state  
77 reasonably believes that abuse, neglect or any criminal offense



78 has been committed against the child by someone other than the  
79 parent, unless doing so would interfere with a criminal or  
80 Department of Child Services investigation;

81 (j) To consent before a biometric scan of the child is  
82 made, shared or stored;

83 (k) To consent before any record of the child's blood  
84 or deoxyribonucleic acid (DNA) is created, shared or stored,  
85 unless authorized pursuant to a court order; and

86 (l) To consent before any governmental entity makes a  
87 video or voice recording of the child, unless the video or voice  
88 recording is made during or as a part of:

89 (i) A court proceeding;

90 (ii) A law enforcement investigation;

91 (iii) A forensic interview in a criminal or  
92 Department of Child Services investigation;

93 (iv) The security or surveillance of buildings or  
94 grounds;

95 (v) A photo identification card; or

96 (vi) A public event where the child has no  
97 reasonable expectation of privacy.

98 (3) This section does not authorize or allow a parent to  
99 abuse or neglect a child as defined in Section 97-5-39. This  
100 section does not apply to a parental action or decision that would  
101 end life. This section does not prohibit a court from issuing an  
102 order that is otherwise permitted by law.



103 (4) No employee of this state, except for law enforcement  
104 personnel, shall encourage or coerce a child to withhold  
105 information from the child's parent. Nor shall any such employee  
106 withhold from a child's parent information that is relevant to the  
107 physical, emotional or mental health of the child.

108 (5) A parent may bring suit for any violation of this  
109 section and may raise this section as a defense in any judicial or  
110 administrative proceeding without regard to whether the proceeding  
111 is brought by or in the name of the state, any private person or  
112 any other party.

113 (6) A parent who successfully asserts a claim or defense  
114 under this act may recover declaratory relief, injunctive relief,  
115 compensatory damages, reasonable attorney's fees and costs, and  
116 any other appropriate relief.

117 (7) A government entity shall indemnify its employees for  
118 any liability incurred by the employee and for any judgment  
119 entered against the employee for claims arising under this  
120 section; provided that a government entity does not have to  
121 indemnify an employee if the employee was convicted of a criminal  
122 violation for the conduct from which the claim arises.

123 **SECTION 4. Medical and Mental Health Care.** (1) Except as  
124 otherwise provided by law or court order, a person, private  
125 entity, government entity or any employee or agent of any private  
126 or government entity must obtain the consent of a parent of a  
127 child before taking any of the following actions:



128           (a) Procuring, soliciting to perform, arranging for the  
129 performance of, providing a referral for, or performing surgical  
130 procedures upon a child;

131           (b) Procuring, soliciting to perform, arranging for the  
132 performance of, providing a referral for, or performing a physical  
133 or medical examination upon a child;

134           (c) Prescribing or dispensing any prescription drug or  
135 medication to a child; or

136           (d) Procuring, soliciting to perform, arranging for the  
137 performance of, providing a referral for, or performing a mental  
138 health evaluation in a clinical or nonclinical setting or mental  
139 health treatment on a child.

140           (2) This section shall not apply if:

141           (a) A parent of the child has given a blanket consent  
142 authorizing the person or entity to perform an activity listed in  
143 subsection (1); or

144           (b) It has been reasonably determined by the person or  
145 entity that an emergency exists and either of the following  
146 conditions is true:

147           (i) It is necessary to perform an activity listed  
148 in subsection (1) in order to prevent death or imminent,  
149 irreparable physical injury to the child; or

150           (ii) A parent of the child cannot be located or  
151 contacted after a reasonably diligent effort.



152 (3) The provisions of this section do not apply to an  
153 abortion.

154 (4) A parent may bring suit for any violation of this  
155 section and may raise this section as a defense in any judicial or  
156 administrative proceeding without regard to whether the proceeding  
157 is brought by or in the name of the government, any private person  
158 or any other party.

159 (5) A parent who successfully asserts a claim or defense  
160 under this act may recover declaratory relief, injunctive relief,  
161 compensatory damages, reasonable attorney's fees and costs and any  
162 other appropriate relief.

163 (6) A government entity shall indemnify its employees for  
164 any liability incurred by the employee and for any judgment  
165 entered against the employee for claims arising under this  
166 section; provided, however, that a government entity does not have  
167 to indemnify an employee if the employee was convicted of a  
168 criminal violation for the conduct from which the claim arises.

169 **SECTION 5. Educational Transparency and involvement.** (1)

170 Each school district and charter school, in consultation with  
171 parents, teachers and administrators, shall develop and adopt a  
172 policy to promote the involvement of parents of children enrolled  
173 in the school district or charter school, including:

174 (a) A plan for parent participation in the schools  
175 which is designed to improve parent and teacher cooperation in  
176 areas such as homework, attendance and discipline;



177           (b) Procedures by which a parent may learn about the  
178 course of study for that parent's child and review all curriculum.  
179 These procedures shall allow a parent to:

180           (i) Review all curriculum for each class or course  
181 offered by the school and any teacher training materials either by  
182 posting the curriculum and materials on a publicly available  
183 website or by viewing the materials in-person during regular hours  
184 of operation of the school or by special appointment;

185           (ii) Copy and record information from the  
186 curriculum and teacher training materials at cost if the  
187 curriculum and materials are not posted on a publicly available  
188 website; and

189           (iii) Meet with the teacher of the class or  
190 course, the principal or other representative from the school to  
191 discuss the curriculum and teaching training materials.

192           (c) Procedures by which a parent may learn about the  
193 nature and purpose of clubs and extracurricular activities that  
194 have been approved by the school and may withdraw that parent's  
195 child from any club or extracurricular to which the parent  
196 objects;

197           (d) Procedures to notify a parent at least five (5)  
198 days in advance and obtain the parent's consent before the  
199 parent's child attends any instruction or presentation that has  
200 the goal or purpose of studying, exploring or informing students





201 about gender roles or stereotypes, gender identity, gender  
202 expression or sexual orientation;

203 (e) Procedures by which a parent who objects to any  
204 specific instruction or presentation on the basis that it is  
205 harmful may withdraw that parent's child from the instruction or  
206 presentation. Objection to a specific instruction or presentation  
207 on the basis that it is harmful includes, but it is not limited  
208 to, objection to a material or activity because it questions  
209 beliefs or practices regarding sex, morality or religion; and

210 (f) Procedures by which a parent must provide consent  
211 before their child uses a name or nickname other than their legal  
212 name or a derivative thereof, or before a child uses a pronoun  
213 that does not align with the child's sex. However, even if a  
214 parent provides consent, no person shall be compelled to use  
215 pronouns that do not align with the child's sex.

216 (2) A parent shall have access to all written and electronic  
217 records concerning the parent's child that are controlled by or in  
218 the possession of a school district, district employee, or any  
219 person or organization hired, contracted, or authorized by the  
220 school district to provide services to students.

221 (3) District and charter school employees shall not withhold  
222 or conceal information from, or facilitate, encourage, or coerce a  
223 child to withhold or conceal information from the child's parents  
224 about the child's:



225 (a) Curricular or extracurricular projects, assignments  
226 or activities;

227 (b) Physical, emotional or mental health; or

228 (c) Purported gender identity or requested transition,  
229 where the child's purported gender identity is incongruous with  
230 his or her biological sex.

231 (4) A parent may submit a written complaint detailing any  
232 violation of this section to the school district or charter  
233 school. The parent shall be entitled to a meeting with the  
234 superintendent or head of the charter school to discuss the  
235 complaint if desired by the parent. The superintendent or head of  
236 the charter school shall investigate the complaint and respond to  
237 the parent in writing within fourteen (14) days after receiving  
238 the complaint describing the actions that will be taken to remedy  
239 the complaint.

240 (5) A parent may appeal the actions of the superintendent or  
241 head of the charter school to the school district board of  
242 education or governing board of the charter school by submitting a  
243 written complaint detailing the violation of this section and a  
244 description of why the actions failed to remedy the complaint.  
245 The board shall appoint a committee to investigate any such  
246 complaints. The committee shall meet with the parent to discuss  
247 the complaint. Within thirty (30) days of receiving the  
248 complaint, the committee shall submit a recommended response and



249 proposed steps to remedy the complaint to the full board for  
250 action by the board at the next regularly scheduled meeting.

251 (6) If the board's action does not remedy a complaint, a  
252 parent may file suit and assert a violation of this act as a claim  
253 against the school district or charter school.

254 (7) A parent who successfully asserts a claim or defense  
255 under this act may recover declaratory relief, injunctive relief,  
256 liquidated damages of Five Thousand Dollars (\$5,000.00) per  
257 violation, reasonable attorney's fees and costs and any other  
258 appropriate relief.

259 (8) A school district or charter school shall not force  
260 students, faculty or staff members to wear personal protective  
261 equipment, such as face masks, to attend school; provided,  
262 however, this section shall not be construed to prohibit such  
263 individuals from wearing such equipment.

264 **SECTION 6. Teachers' transparency and expressive rights.**

265 (1) A teacher or other employee of a school district or charter  
266 school shall not be subject to any disciplinary action or adverse  
267 employment action for any of the following:

268 (a) Informing a child's parent of any information  
269 regarding the child that the individual reasonably believes the  
270 parent should know;

271 (b) Declining to address a person using a name,  
272 pronoun, or title that is inconsistent with the person's sex;



273 (c) Engaging in religious expression, prayer, and  
274 discussions and sharing religious materials with other faculty and  
275 employees at the same times and in the same manner that faculty  
276 and employees are permitted to engage in nonreligious expression  
277 and discussions;

278 (d) Serving as a sponsor of student religious clubs and  
279 assisting students in planning meetings, activities and events to  
280 the same extent that faculty sponsors of nonreligious clubs are  
281 permitted to do so;

282 (e) Participating in voluntary student-initiated,  
283 student-led prayer, such as prayer before a sporting event, when  
284 invited to do so by the students, provided that the participation  
285 is in the faculty's or employee's personal capacity and not as a  
286 representative of the school;

287 (f) Wearing religious clothing, symbols, or jewelry,  
288 provided that such items otherwise comply with any dress code  
289 implemented by the public elementary or secondary school; and

290 (g) Decorating their desk and other personal space in  
291 their office or classroom with items that reflect their religious  
292 beliefs to the same extent that other faculty and employees are  
293 permitted to decorate their desk and other personal space.

294 (2) An individual may bring suit for any violation of this  
295 section and may raise this section as a defense in any judicial or  
296 administrative proceeding without regard to whether the proceeding



297 is brought by or in the name of the state, any private person or  
298 any other party.

299 (3) An individual who successfully asserts a claim or  
300 defense under this act may recover declaratory relief, injunctive  
301 relief, compensatory damages, reasonable attorney's fees and costs  
302 and any other appropriate relief.

303 (4) A government entity shall indemnify its employees for  
304 any liability incurred by the employee and for any judgment  
305 entered against the employee for claims arising under this  
306 section; provided that a government entity does not have to  
307 indemnify an employee if the employee was convicted of a criminal  
308 violation for the conduct from which the claim arises.

309 **SECTION 7. Rules of construction.** (1) Sovereign and  
310 governmental immunities to suit and from liability are waived and  
311 abolished to the extent of liability created by this act.

312 (2) The protections of the fundamental right of parents to  
313 direct the upbringing, education, health care, and mental health  
314 of their child afforded by this act are in addition to the  
315 protections provided under federal law, state law and the state  
316 and federal constitutions.

317 (3) This act shall be construed in favor of a broad  
318 protection of the fundamental right of parents to direct the  
319 upbringing, education, health care and mental health of their  
320 child.



321 (4) If a child has no affirmative right of access to a  
322 particular medical or mental health procedure or service, then  
323 nothing in this act shall be construed to grant that child's  
324 parent an affirmative right of access to that procedure or service  
325 on that child's behalf.

326 (5) State statutory law adopted after the date of the  
327 enactment of this act is subject to this act unless such law  
328 explicitly excludes such application by reference to this act.

329 **SECTION 8.** This act shall take effect and be in force from  
330 and after July 1, 2024.

