

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1384

By: Kern and Hulbert of the  
House

and

Griffin of the Senate

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10                                   COMMITTEE SUBSTITUTE

11           An Act relating to parental rights; creating the  
12           Parents' Bill of Rights; prohibiting the state from  
13           infringing upon parental rights unless certain  
14           criteria is met; defining term; listing rights which  
15           are reserved to the parent; providing exception;  
16           construing provision; proscribing limitation or  
17           denial of parental rights; restricting applicability  
18           in certain cases; directing the board of education of  
19           a school district to develop certain policy;  
20           providing items to be included in the policy; listing  
21           parental rights related to education; allowing board  
22           to provide policy in electronic form; requiring  
23           parent to submit a written request for information at  
24           certain time; directing principal or superintendent  
          to deliver information within certain time; providing  
          for written request to board in certain cases;  
          directing board to consider request; prohibiting  
          surgical procedure on minor without parental consent;  
          providing exception; defining term; providing  
          exception; prescribing penalty for violation;  
          prohibiting mental health evaluation of minor without  
          parental consent; providing exception; prescribing  
          penalty for violation; providing for codification;  
          and providing an effective date.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

7 B. The liberty of parents to direct the upbringing, education,  
8 health care and mental health of their children is a fundamental  
9 right.

10 C. This state, any political subdivision of this state or any  
11 other governmental entity shall not infringe on these rights without  
12 demonstrating that the compelling governmental interest as applied  
13 to the child involved is of the highest order, is narrowly tailored  
14 and is not otherwise served by a less restrictive means.

15 D. As used in the Parents' Bill of Rights, "parent" means the  
16 natural or adoptive parent or legal guardian of a minor child.

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

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

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

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

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

8 4. The right to direct the moral or religious training of the  
9 minor child;

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

12 6. The right to access and review all medical records of the  
13 minor child unless otherwise prohibited by law or the parent is the  
14 subject of an investigation of a crime committed against the minor  
15 child and a law enforcement official requests that the information  
16 not be released;

17 7. The right to consent in writing before a biometric scan of  
18 the minor child is made;

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

1        9. The right to consent in writing before the state or any of  
2 its political subdivisions makes a video or voice recording of the  
3 minor child, unless the video or voice recording is made during or  
4 as a part of a court proceeding, by law enforcement officers during  
5 or as part of a law enforcement investigation, during or as part of  
6 a forensic interview in a criminal or Department of Human Services  
7 investigation or to be used solely for any of the following:

- 8            a. safety demonstrations, including the maintenance of  
9                    order and discipline in the common areas of a school  
10                   or on student transportation vehicles,
- 11           b. a purpose related to a legitimate academic or  
12                   extracurricular activity,
- 13           c. a purpose related to regular classroom instruction,
- 14           d. security or surveillance of buildings or grounds, and  
15           e. a photo identification card; and

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

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

15 C. Any attempt to encourage or coerce a minor child to withhold  
16 information from the child's parent shall be grounds for discipline  
17 of an employee of this state, any political subdivision of this  
18 state or any other governmental entity, except for law enforcement  
19 personnel.

20 D. Unless those rights have been legally waived or legally  
21 terminated, parents have inalienable rights that are more  
22 comprehensive than those listed in this section. The Parents' Bill  
23 of Rights does not prescribe all rights of parents. Unless  
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1 otherwise required by law, the rights of parents of minor children  
2 shall not be limited or denied. The Parents' Bill of Rights shall  
3 not be construed to apply to a parental action or decision that  
4 would end life.

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

8 A. The board of education of a school district, in consultation  
9 with parents, teachers and administrators, shall develop and adopt a  
10 policy to promote the involvement of parents and guardians of  
11 children enrolled in the schools within the school district,  
12 including:

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

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

19 3. Procedures by which parents who object to any learning  
20 material or activity on the basis that it is harmful may withdraw  
21 their children from the activity or from the class or program in  
22 which the material is used. Objection to a learning material or  
23 activity on the basis that it is harmful includes objection to a  
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1 material or activity because it questions beliefs or practices in  
2 sex, morality or religion;

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

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

15 6. Procedures by which parents may learn about the nature and  
16 purpose of clubs and activities that are part of the school  
17 curriculum, as well as extracurricular clubs and activities that  
18 have been approved by the school; and

19 7. Procedures by which parents may learn about parental rights  
20 and responsibilities under the laws of this state, including the  
21 following:

22 a. the right to opt out of a sex education curriculum if  
23 one is provided by the school district,

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- b. open enrollment rights,
- c. the right to opt out of assignments pursuant to this section,
- d. the right to be exempt from the immunization laws of the state pursuant to Section 1210.192 of Title 70 of the Oklahoma Statutes,
- e. the promotion requirements prescribed in Section 1210.508E of Title 70 of the Oklahoma Statutes,
- f. the minimum course of study and competency requirements for graduation from high school prescribed in Section 11-103.6 of Title 70 of the Oklahoma Statutes,
- g. the right to opt out of instruction on the acquired immune deficiency syndrome pursuant to Section 11-103.3 of Title 70 of the Oklahoma Statutes,
- h. the right to review test results,
- i. the right to participate in gifted programs pursuant to Sections 1210.301 through 1210.308 of Title 70 of the Oklahoma Statutes,
- j. the right to inspect instructional materials used in connection with any research or experimentation program or project pursuant to Section 11-106 of Title 70 of the Oklahoma Statutes,



- 1 k. the right to receive a school report card,  
2 l. the attendance requirements prescribed in Section 10-  
3 106 of Title 70 of the Oklahoma Statutes,  
4 m. the right to public review of courses of study and  
5 textbooks,  
6 n. the right to be excused from school attendance for  
7 religious purposes,  
8 o. policies related to parental involvement pursuant to  
9 this section,  
10 p. the right to participate in parent-teacher  
11 associations and organizations that are sanctioned by  
12 the board of education of a school district, and  
13 q. the right to opt out of any data collection instrument  
14 at the district level that would capture data for  
15 inclusion in the state longitudinal student data  
16 system except what is necessary and essential for  
17 establishing a student's public school record.

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

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

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

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

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

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

13 D. The provisions of this section shall not apply to an  
14 abortion, which shall be governed by the provisions of Sections 1-  
15 740 through 1-740.6 of Title 63 of the Oklahoma Statutes or any  
16 successor statute.

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

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

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

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

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

19       SECTION 6. This act shall become effective November 1, 2013.  
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21 COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 02/20/2013 -  
22 DO PASS, As Amended and Coauthored.  
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