

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0046.01 Shelby Ross x4510

HOUSE BILL 22-1236

HOUSE SPONSORSHIP

Van Beber, Holtorf, Luck, Lynch, Neville, Pelton, Pico, Ransom, Rich

SENATE SPONSORSHIP

Coram,

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A PARENT'S BILL OF RIGHTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill establishes a parent's bill of rights that sets forth specific parental rights related to directing the upbringing, education, and health care of a minor child.

The bill requires a board of education of a school district, board of cooperative services, charter school, or institute charter school, in consultation with parents, teachers, and administrators, to develop and adopt a policy to promote the involvement of parents of the enrolled minor child.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The bill prohibits an individual, corporation, association, organization, state-supported institution, or individual employed by any of these entities from procuring, soliciting to perform, arranging for the performance of, or performing a surgical procedure upon a minor without written or verbal consent from the minor's parent. Parental consent is not required if the minor is in the custody of a county department of human or social services or the division of youth services.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 16 to title
3 14 as follows:

4 **ARTICLE 16**

5 **Parent's Bill of Rights**

6 **14-16-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 16 IS
7 THE "PARENT'S BILL OF RIGHTS".

8 **14-16-102. Definitions.** AS USED IN THIS ARTICLE 16, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "MINOR CHILD" MEANS A PERSON SEVENTEEN YEARS OF AGE
11 OR YOUNGER.

12 (2) "PARENT" MEANS THE NATURAL OR ADOPTIVE PARENT OR
13 LEGAL GUARDIAN OF A MINOR CHILD.

14 **14-16-103. Parental rights reserved - exceptions.** (1) THE
15 STATE, ANY POLITICAL SUBDIVISION OF THE STATE, OR ANY OTHER
16 GOVERNMENTAL ENTITY OR INSTITUTION SHALL NOT INFRINGE UPON THE
17 FUNDAMENTAL RIGHT OF A PARENT TO DIRECT THE UPBRINGING,
18 EDUCATION, AND HEALTH CARE OF THE PARENT'S MINOR CHILD WITHOUT
19 DEMONSTRATING THAT THE COMPELLING GOVERNMENTAL INTEREST, AS
20 APPLIED TO THE MINOR CHILD INVOLVED, IS OF THE HIGHEST ORDER, IS
21 NARROWLY TAILORED, AND CANNOT BE ACCOMPLISHED IN A LESS
22 RESTRICTIVE MANNER.

1 (2) EXCEPT AS OTHERWISE PROVIDED BY LAW, ALL PARENTAL
2 RIGHTS ARE RESERVED TO A PARENT OF A MINOR CHILD WITHOUT
3 OBSTRUCTION OR INTERFERENCE FROM THE STATE, ANY POLITICAL
4 SUBDIVISION OF THE STATE, OR ANY OTHER GOVERNMENTAL ENTITY OR
5 INSTITUTION, INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO:

6 (a) DIRECT THE UPBRINGING, EDUCATION, AND HEALTH CARE OF
7 THE MINOR CHILD;

8 (b) DIRECT THE MORAL OR RELIGIOUS TRAINING OF THE MINOR
9 CHILD;

10 (c) ACCESS AND REVIEW ALL SCHOOL RECORDS RELATING TO THE
11 MINOR CHILD;

12 (d) ACCESS AND REVIEW ALL MEDICAL RECORDS OF THE MINOR
13 CHILD;

14 (e) MAKE HEALTH CARE DECISIONS FOR THE MINOR CHILD;

15 (f) CONSENT IN WRITING BEFORE A BIOMETRIC SCAN OF THE MINOR
16 CHILD OCCURS OR IS SHARED OR STORED;

17 (g) CONSENT IN WRITING BEFORE ANY RECORD OF THE MINOR
18 CHILD'S BLOOD OR DNA IS MADE, SHARED, OR STORED, UNLESS OBTAINING
19 SUCH BLOOD OR DNA IS OTHERWISE REQUIRED BY LAW OR AUTHORIZED
20 PURSUANT TO A COURT ORDER;

21 (h) CONSENT IN WRITING BEFORE THE STATE OR ANY OF ITS
22 POLITICAL SUBDIVISIONS TAKES A PHOTO OR MAKES A VIDEO OR VOICE
23 RECORDING OF THE MINOR CHILD, UNLESS THE PHOTO, VIDEO, OR VOICE
24 RECORDING IS TO BE USED SOLELY FOR ANY OF THE FOLLOWING PURPOSES:

25 (I) A PURPOSE RELATED TO A LEGITIMATE ACADEMIC OR
26 EXTRACURRICULAR ACTIVITY;

27 (II) A PURPOSE RELATED TO REGULAR CLASSROOM INSTRUCTION;

1 (III) SECURITY OR SURVEILLANCE OF BUILDINGS OR GROUNDS; OR

2 (IV) A PHOTO IDENTIFICATION CARD; AND

3 (i) BE NOTIFIED PROMPTLY IF AN EMPLOYEE OF A PUBLIC SCHOOL
4 SUSPECTS THAT A CRIMINAL OFFENSE HAS BEEN COMMITTED AGAINST THE
5 MINOR CHILD. THIS SUBSECTION (2)(i) DOES NOT CREATE A NEW
6 OBLIGATION FOR A SCHOOL TO REPORT MISCONDUCT BETWEEN STUDENTS
7 AT SCHOOL, SUCH AS FIGHTING OR AGGRESSIVE PLAY, THAT IS ROUTINELY
8 ADDRESSED BY THE SCHOOL AS A STUDENT DISCIPLINARY MATTER.

9 (3) UNLESS A RIGHT HAS BEEN LEGALLY WAIVED OR LEGALLY
10 TERMINATED, A PARENT HAS INALIENABLE RIGHTS THAT ARE MORE
11 COMPREHENSIVE THAN THOSE LISTED IN THIS ARTICLE 16. THE "PARENT'S
12 BILL OF RIGHTS" DOES NOT PRESCRIBE ALL RIGHTS OF A PARENT. UNLESS
13 OTHERWISE REQUIRED BY LAW, THE RIGHTS OF A PARENT OF A MINOR
14 CHILD MUST NOT BE LIMITED OR DENIED.

15 **14-16-104. Parental rights related to education of a minor**
16 **child - policy for parental involvement - request for information.**

17 (1) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT, BOARD OF
18 COOPERATIVE SERVICES, CHARTER SCHOOL, OR INSTITUTE CHARTER
19 SCHOOL, IN CONSULTATION WITH PARENTS, TEACHERS, AND
20 ADMINISTRATORS, SHALL DEVELOP AND ADOPT A POLICY TO PROMOTE THE
21 INVOLVEMENT OF PARENTS OF THE ENROLLED MINOR CHILD. AT A
22 MINIMUM, THE POLICY MUST INCLUDE:

23 (a) A PLAN FOR PARENT PARTICIPATION IN THE SCHOOL THAT IS
24 DESIGNED TO IMPROVE PARENT AND TEACHER COOPERATION IN AREAS
25 SUCH AS HOMEWORK, ATTENDANCE, AND DISCIPLINE;

26 (b) PROCEDURES BY WHICH A PARENT CAN LEARN ABOUT THE
27 PARENTAL RIGHTS AND RESPONSIBILITIES UNDER THE LAWS OF THE STATE,

1 INCLUDING THE RIGHT TO:

2 (I) OBTAIN INFORMATION CONCERNING SCHOOL CHOICE OPEN
3 ENROLLMENT RIGHTS;

4 (II) OPT OUT OF AN ASSIGNMENT THAT THE PARENT OBJECTS TO AS
5 IT RELATES TO MORAL OR RELIGIOUS TRAINING OF THE MINOR;

6 (III) RECEIVE INFORMATION CONCERNING THE MINIMUM COURSE
7 OF STUDY AND COMPETENCY REQUIREMENTS FOR GRADUATION FROM HIGH
8 SCHOOL;

9 (IV) ACCESS AND REVIEW SCHOOL RECORDS;

10 (V) HAVE THE PARENT'S MINOR CHILD PARTICIPATE IN GIFTED AND
11 TALENTED PROGRAMS;

12 (VI) RECEIVE INFORMATION RELATED TO ATTENDANCE
13 REQUIREMENTS SET FORTH IN THE "SCHOOL ATTENDANCE LAW OF 1963",
14 ARTICLE 33 OF TITLE 22;

15 (VII) RECEIVE POLICIES RELATED TO PARENTAL INVOLVEMENT
16 PURSUANT TO THIS SECTION;

17 (VIII) PARTICIPATE IN PARENT TEACHER ASSOCIATIONS AND
18 ORGANIZATIONS THAT ARE SANCTIONED BY THE BOARD OF EDUCATION OF
19 A SCHOOL DISTRICT; AND

20 (IX) OPT OUT OF ANY DATA COLLECTION INSTRUMENT AT THE
21 DISTRICT LEVEL THAT WOULD CAPTURE DATA FOR INCLUSION IN THE
22 STATEWIDE LONGITUDINAL STUDENT DATA SYSTEM, EXCEPT WHAT IS
23 NECESSARY AND ESSENTIAL FOR ESTABLISHING A STUDENT'S PUBLIC
24 SCHOOL RECORD.

25 (2) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT MAY ADOPT
26 A POLICY TO PROVIDE PARENTS WITH THE INFORMATION REQUIRED BY THIS
27 SECTION IN ELECTRONIC FORM.

1 (3) A REQUEST FOR INFORMATION PURSUANT TO THIS SECTION
2 MUST BE SUBMITTED IN WRITING BY A PARENT DURING REGULAR BUSINESS
3 HOURS TO EITHER THE SCHOOL PRINCIPAL OR THE SUPERINTENDENT OF THE
4 SCHOOL DISTRICT. WITHIN TWO BUSINESS DAYS AFTER RECEIVING THE
5 INFORMATION REQUEST, THE SCHOOL PRINCIPAL OR DISTRICT
6 SUPERINTENDENT SHALL PROVIDE THE REQUESTED INFORMATION TO THE
7 PARENT.

8 **14-16-105. Parental rights related to health care of a minor**
9 **child - exception - penalty.** (1) NOTWITHSTANDING ANY OTHER
10 PROVISION OF LAW, AN INDIVIDUAL, CORPORATION, ASSOCIATION,
11 ORGANIZATION, STATE-SUPPORTED INSTITUTION, OR INDIVIDUAL
12 EMPLOYED BY ANY OF THESE ENTITIES SHALL NOT PROCURE, SOLICIT TO
13 PERFORM, OR ARRANGE FOR THE PERFORMANCE OF, OR PERFORM A
14 SURGICAL PROCEDURE UPON A MINOR CHILD WITHOUT FIRST OBTAINING
15 WRITTEN OR VERBAL CONSENT FROM THE MINOR'S PARENT THAT IS
16 IMMEDIATELY DOCUMENTED.

17 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION,
18 PARENTAL CONSENT IS NOT REQUIRED IF A MINOR IS IN THE CUSTODY OF A
19 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES OR THE DIVISION OF
20 YOUTH SERVICES IN THE DEPARTMENT OF HUMAN SERVICES CREATED IN
21 SECTION 19-2.5-1501 (1).

22 **SECTION 2. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly; except
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V
26 of the state constitution against this act or an item, section, or part of this
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2022 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.