

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2279

(Reference to House engrossed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Title 1, Arizona Revised Statutes, is amended by adding  
3 chapter 6, to read:

4 CHAPTER 6

5 PARENTS' RIGHTS

6 ARTICLE 1. PARENTS' BILL OF RIGHTS

7 1-601. Parents' bill of rights; grievance procedures; exceptions;  
8 definitions

9 A. PARENTS AND LEGAL GUARDIANS HAVE INALIENABLE RIGHTS THAT ARE MORE  
10 COMPREHENSIVE THAN LISTED IN THIS SECTION. THIS SECTION DOES NOT PRESCRIBE  
11 ALL RIGHTS OF PARENTS AND LEGAL GUARDIANS, AND THIS SECTION DOES NOT LIMIT A  
12 PARENT'S OR A LEGAL GUARDIAN'S RIGHTS IN ANY MANNER.

13 B. THE FOLLOWING RIGHTS ARE RESERVED TO A PARENT OR LEGAL GUARDIAN OF  
14 A MINOR CHILD WITHOUT OBSTRUCTION OR INTERFERENCE FROM THIS STATE, ANY  
15 POLITICAL SUBDIVISION OF THIS STATE, ANY OTHER GOVERNMENTAL ENTITY OR OTHER  
16 INSTITUTION OR ANY EMPLOYEE OF THIS STATE, ANY POLITICAL SUBDIVISION OF THIS  
17 STATE OR ANY OTHER GOVERNMENTAL ENTITY OR OTHER INSTITUTION:

18 1. THE EDUCATION OF THE MINOR CHILD, INCLUDING THE RIGHT TO ACCESS AND  
19 REVIEW THE FOLLOWING:

20 (a) ATTENDANCE RECORDS.

21 (b) TEST SCORES.

22 (c) GRADES.

23 (d) DISCIPLINARY RECORDS.

24 (e) COUNSELING RECORDS.

25 (f) PSYCHOLOGICAL RECORDS.

26 (g) APPLICATIONS FOR ADMISSION.

1 (h) HEALTH AND IMMUNIZATION INFORMATION.

2 (i) EVALUATIONS OF THE CHILD.

3 (j) THE CONTENT OF THE CHILD'S COURSE OF STUDY.

4 (k) REPORTS OF BEHAVIOR PATTERNS.

5 2. THE UPBRINGING OF THE MINOR CHILD.

6 3. DISCIPLINE OF THE MINOR CHILD.

7 4. THE MORAL OR RELIGIOUS TRAINING OF THE MINOR CHILD.

8 5. HEALTH CARE DECISIONS FOR THE MINOR CHILD, INCLUDING DECISIONS  
9 RELATING TO MENTAL HEALTH AND IMMUNIZATIONS. A PARENT OR LEGAL GUARDIAN OF A  
10 MINOR CHILD HAS THE RIGHT TO BE FULLY INFORMED OF ALL MEDICAL INFORMATION  
11 CONCERNING THE MINOR CHILD AND SHALL HAVE FULL ACCESS TO ALL MEDICAL RECORDS  
12 OF THE MINOR CHILD. A PARENT OR LEGAL GUARDIAN OF A MINOR CHILD HAS THE  
13 RIGHT TO MAKE MEDICAL DECISIONS FOR A MINOR CHILD, INCLUDING WHETHER OR NOT  
14 TO CONDUCT A MEDICAL PROCEDURE, A MENTAL HEALTH PROCEDURE OR AN IMMUNIZATION  
15 BEFORE THE MEDICAL PROCEDURE, MENTAL HEALTH PROCEDURE OR IMMUNIZATION IS  
16 CONDUCTED.

17 C. A PARENT OR LEGAL GUARDIAN OF A MINOR CHILD HAS THE RIGHT TO  
18 CONSENT IN WRITING BEFORE:

19 1. ANY BIOMETRIC SCAN OF A MINOR CHILD IS MADE.

20 2. ANY MENTAL HEALTH SCREENING OF THE MINOR CHILD.

21 3. ANY IMMUNIZATION OR OTHER MEDICAL PROCEDURE OF A MINOR CHILD.

22 D. A PARENT OR LEGAL GUARDIAN OF A MINOR CHILD HAS THE RIGHT TO:

23 1. PETITION TO ALLOW THE MINOR CHILD TO ATTEND ANOTHER SCHOOL, PROGRAM  
24 OR CLASS.

25 2. REASONABLE ACCESS TO REQUEST THE REASSIGNMENT OF THE MINOR CHILD TO  
26 ANOTHER CLASS OR TEACHER UNLESS THE REASSIGNMENT WOULD ADVERSELY AFFECT THE  
27 ASSIGNMENT OR REASSIGNMENT OF ANOTHER CHILD.

28 3. REQUEST, WITH THE EXPECTATION THAT THE REQUEST WILL NOT BE  
29 UNREASONABLY DENIED, THAT THE MINOR CHILD BE PERMITTED TO GRADUATE EARLY FROM  
30 HIGH SCHOOL IF THE CHILD MEETS THE GRADUATION REQUIREMENTS PRESCRIBED IN  
31 SECTION 15-701.01. A CHILD WHO IS PERMITTED TO GRADUATE EARLY AS PRESCRIBED

1 IN THIS PARAGRAPH SHALL BE PERMITTED TO PARTICIPATE IN GRADUATION CEREMONIES  
2 AT THE TIME THE CHILD GRADUATES FROM HIGH SCHOOL.

3 E. A GOVERNMENTAL ENTITY SHALL OBTAIN THE WRITTEN CONSENT OF A MINOR  
4 CHILD'S PARENT OR LEGAL GUARDIAN BEFORE A VIDEO OR VOICE RECORDING OF THE  
5 MINOR CHILD IS MADE. PRIOR WRITTEN CONSENT OF THE CHILD'S PARENT OR LEGAL  
6 GUARDIAN IS NOT REQUIRED TO MAKE A VIDEO OR VOICE RECORDING OF A CHILD IF THE  
7 VIDEO OR VOICE RECORDING IS TO BE USED SOLELY FOR ANY OF THE FOLLOWING:

8 1. SAFETY DEMONSTRATIONS, INCLUDING THE MAINTENANCE OF ORDER AND  
9 DISCIPLINE IN THE COMMON AREAS OF A SCHOOL OR ON PUPIL TRANSPORTATION  
10 VEHICLES.

11 2. A PURPOSE RELATED TO A LEGITIMATE ACADEMIC OR EXTRACURRICULAR  
12 ACTIVITY.

13 3. A PURPOSE RELATED TO REGULAR CLASSROOM INSTRUCTION.

14 4. SECURITY OR SURVEILLANCE OF BUILDINGS OR GROUNDS.

15 5. A PHOTO IDENTIFICATION CARD. THE EXCLUSION PRESCRIBED IN THIS  
16 PARAGRAPH DOES NOT INCLUDE BIOMETRIC INFORMATION.

17 F. A GOVERNMENTAL ENTITY OR EMPLOYEE SHALL NOT USE OR THREATEN TO USE  
18 THE REFUSAL OF A PARENT OR LEGAL GUARDIAN TO ADMINISTER OR CONSENT TO THE  
19 ADMINISTRATION OF ANY MEDICATION TO A MINOR CHILD AS THE SOLE BASIS FOR  
20 MAKING A REPORT FOR NEGLECT OF THE CHILD UNLESS THE GOVERNMENTAL ENTITY OR  
21 EMPLOYEE HAS A DUTY TO REPORT PURSUANT TO SECTION 13-3620. THIS SUBSECTION  
22 SHALL NOT BE CONSTRUED TO PERMIT A PARENT OR LEGAL GUARDIAN TO ABUSE OR  
23 NEGLECT A CHILD IN VIOLATION OF THE LAWS OF THIS STATE.

24 G. A MINOR CHILD'S BLOOD OR DEOXYRIBONUCLEIC ACID OR SPECIFIC  
25 INFORMATION ABOUT A MINOR CHILD'S BLOOD OR DEOXYRIBONUCLEIC ACID SHALL NOT BE  
26 STORED, USED OR SHARED WITHOUT THE PRIOR WRITTEN CONSENT OF THE PARENT OR  
27 LEGAL GUARDIAN OF THE MINOR CHILD.

28 H. UNLESS OTHERWISE PROVIDED BY FEDERAL LAW OR BY OTHER STATE LAW, THE  
29 RIGHTS OF PARENTS OR LEGAL GUARDIANS OF MINOR CHILDREN SHALL NOT BE LIMITED  
30 OR DENIED.

31 I. THIS SECTION SHALL NOT BE CONSTRUED TO:

1           1. AUTHORIZE OR ALLOW MINOR CHILDREN, THEIR PARENTS OR LEGAL GUARDIANS  
2 TO ENGAGE IN CONDUCT THAT IS UNLAWFUL.

3           2. VIOLATE THE CONSTITUTIONAL RIGHTS OF ANY PERSON.

4           J. UNLESS THE NOTIFICATION WOULD IMPEDE A LAW ENFORCEMENT OR CHILD  
5 PROTECTIVE SERVICES INVESTIGATION, A GOVERNMENTAL ENTITY SHALL PROMPTLY  
6 NOTIFY THE PARENT OR LEGAL GUARDIAN OF A MINOR CHILD IF AN EMPLOYEE OF THE  
7 GOVERNMENTAL ENTITY SUSPECTS THAT THE MINOR CHILD HAS BEEN ABUSED OR  
8 NEGLECTED IN VIOLATION OF THE LAWS OF THIS STATE OR IF THE EMPLOYEE SUSPECTS  
9 THAT A CRIMINAL OFFENSE HAS BEEN COMMITTED AGAINST THE CHILD.

10          K. EACH GOVERNMENTAL ENTITY SHALL DEVELOP GRIEVANCE PROCEDURES TO  
11 ADDRESS COMPLAINTS RECEIVED CONCERNING VIOLATIONS OF PARENTS' RIGHTS LISTED  
12 IN THIS SECTION.

13          L. NOTHING IN THIS SECTION APPLIES TO LAW ENFORCEMENT OFFICERS WHO ARE  
14 ACTING IN THEIR OFFICIAL CAPACITY WITHIN THE SCOPE OF THEIR AUTHORITY AND IN  
15 THE LINE OF DUTY.

16          M. FOR THE PURPOSES OF THIS SECTION:

17           1. "BIOMETRIC SCAN":

18           (a) MEANS THE ELECTRONIC MEASUREMENT AND EVALUATION OF ANY PHYSICAL  
19 CHARACTERISTICS THAT ARE ATTRIBUTABLE TO A SINGLE PERSON, INCLUDING  
20 FINGERPRINT CHARACTERISTICS, EYE CHARACTERISTICS, HAND CHARACTERISTICS, VOCAL  
21 CHARACTERISTICS, FACIAL CHARACTERISTICS, DNA CHARACTERISTICS AND ANY OTHER  
22 PHYSICAL CHARACTERISTICS USED FOR THE PURPOSE OF ELECTRONICALLY IDENTIFYING  
23 THAT PERSON WITH A HIGH DEGREE OF CERTAINTY.

24           (b) INCLUDES VIDEO RECORDINGS OF PUPILS.

25           2. "GOVERNMENTAL ENTITY" MEANS ANY CITY, TOWN, COUNTY, SCHOOL  
26 DISTRICT, COMMUNITY COLLEGE DISTRICT OR OTHER POLITICAL SUBDIVISION OF THIS  
27 STATE, ANY PUBLIC UNIVERSITY, ANY COURT AND ANY AGENCY OR DEPARTMENT OF THIS  
28 STATE."

29          Renumber to conform

30          Page 2, after line 10, insert:

31           "Sec. 3. Short title

32           This act may be cited as the "Parents' Bill of Rights Act".

1                   Sec. 4. Emergency

2                   This act is an emergency measure that is necessary to preserve the  
3                   public peace, health or safety and is operative immediately as provided by  
4                   law."

5 Amend title to conform

RUSSELL PEARCE

6/22/09  
4:05 PM  
S: KY/jas