

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0264.01 Jane Ritter x4342

SENATE BILL 15-077

SENATE SPONSORSHIP

Neville T., Marble, Woods, Holbert, Cooke, Crowder, Grantham, Roberts

HOUSE SPONSORSHIP

Neville P., Saine, Humphrey, Everett

Senate Committees
Education

House 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://www.leg.state.co.us/billsummaries>.)

The bill establishes a parent's bill of rights that sets forth specific parental rights related to education, health care, and mental health care of minor children.

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

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

1 (b) ACCESS AND REVIEW ALL SCHOOL RECORDS RELATING TO THE
2 MINOR CHILD;

3 (c) DIRECT THE UPBRINGING OF THE MINOR CHILD;

4 (d) DIRECT THE MORAL OR RELIGIOUS TRAINING OF THE MINOR
5 CHILD;

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

7 (f) ACCESS AND REVIEW ALL MEDICAL RECORDS OF THE MINOR
8 CHILD;

9 (g) CONSENT IN WRITING BEFORE A BIOMETRIC SCAN OF THE MINOR
10 CHILD OCCURS OR IS SHARED OR STORED;

11 (h) CONSENT IN WRITING BEFORE ANY RECORD OF THE MINOR
12 CHILD'S BLOOD OR DNA IS MADE, SHARED, OR STORED, UNLESS OBTAINING
13 SUCH BLOOD OR DNA IS OTHERWISE REQUIRED BY LAW OR AUTHORIZED
14 PURSUANT TO A COURT ORDER;

15 (i) CONSENT IN WRITING BEFORE THE STATE OR ANY OF ITS
16 POLITICAL SUBDIVISIONS MAKES A VIDEO OR VOICE RECORDING OF THE
17 MINOR CHILD, UNLESS THE VIDEO OR VOICE RECORDING IS TO BE USED
18 SOLELY FOR ANY OF THE FOLLOWING PURPOSES:

19 (I) SAFETY DEMONSTRATIONS, INCLUDING THE MAINTENANCE OF
20 ORDER AND DISCIPLINE IN THE COMMON AREAS OF A SCHOOL OR ON
21 SCHOOL VEHICLES;

22 (II) A PURPOSE RELATED TO A LEGITIMATE ACADEMIC OR
23 EXTRACURRICULAR ACTIVITY;

24 (III) A PURPOSE RELATED TO REGULAR CLASSROOM INSTRUCTION;

25 (IV) SECURITY OR SURVEILLANCE OF BUILDINGS OR GROUNDS; OR

26 (V) A PHOTO IDENTIFICATION CARD; AND

27 (j) BE NOTIFIED PROMPTLY IF AN EMPLOYEE OF THIS STATE, ANY

1 POLITICAL SUBDIVISION OF THIS STATE, ANY OTHER GOVERNMENTAL
2 ENTITY OR INSTITUTION, OR ANY OTHER INSTITUTION SUSPECTS THAT A
3 CRIMINAL OFFENSE HAS BEEN COMMITTED AGAINST THE MINOR CHILD BY
4 SOMEONE OTHER THAN A PARENT. THIS PARAGRAPH (j) DOES NOT CREATE
5 ANY NEW OBLIGATION FOR A SCHOOL DISTRICT OR CHARTER SCHOOL TO
6 REPORT MISCONDUCT BETWEEN STUDENTS AT SCHOOL, SUCH AS FIGHTING
7 OR AGGRESSIVE PLAY, THAT IS ROUTINELY ADDRESSED BY THE SCHOOL AS
8 A STUDENT DISCIPLINARY MATTER;

9 (3) AN ATTEMPT TO ENCOURAGE OR COERCE A MINOR CHILD TO
10 WITHHOLD INFORMATION FROM HIS OR HER PARENT IS GROUNDS FOR
11 DISCIPLINE OF AN EMPLOYEE OF THIS STATE, ANY POLITICAL SUBDIVISION
12 OF THIS STATE, OR ANY OTHER GOVERNMENTAL ENTITY OR INSTITUTION,
13 EXCEPT AS USED BY A PEACE OFFICER IN THE CONTEXT OF A CRIMINAL
14 INVESTIGATION.

15 (4) UNLESS A RIGHT HAS BEEN LEGALLY WAIVED OR LEGALLY
16 TERMINATED, A PARENT HAS INALIENABLE RIGHTS THAT ARE MORE
17 COMPREHENSIVE THAN THOSE LISTED IN THIS ARTICLE. THE "PARENT'S
18 BILL OF RIGHTS" DOES NOT PRESCRIBE ALL RIGHTS OF A PARENT. UNLESS
19 OTHERWISE REQUIRED BY LAW, THE RIGHTS OF A PARENT OF A MINOR
20 CHILD MUST NOT BE LIMITED OR DENIED.

21 **14-16-104. Parental rights related to education of a minor**
22 **child - policy for parental involvement - request for information.**

23 (1) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT, IN CONSULTATION
24 WITH PARENTS, TEACHERS, AND ADMINISTRATORS, SHALL DEVELOP AND
25 ADOPT A POLICY TO PROMOTE THE INVOLVEMENT OF PARENTS OF
26 CHILDREN ENROLLED IN THE SCHOOLS WITHIN THE SCHOOL DISTRICT. THE
27 POLICY MUST INCLUDE:

1 (a) A PLAN FOR PARENT PARTICIPATION IN THE SCHOOLS THAT IS
2 DESIGNED TO IMPROVE PARENT AND TEACHER COOPERATION IN SUCH
3 AREAS AS HOMEWORK, ATTENDANCE, AND DISCIPLINE;

4 (b) PROCEDURES BY WHICH A PARENT CAN LEARN ABOUT THE
5 COURSE OF STUDY FOR HIS OR HER MINOR CHILD AND REVIEW LEARNING
6 MATERIALS, INCLUDING THE SOURCE OF ANY SUPPLEMENTAL
7 EDUCATIONAL MATERIALS;

8 (c) PROCEDURES BY WHICH A PARENT WHO OBJECTS TO ANY
9 LEARNING MATERIAL OR ACTIVITY ON THE BASIS THAT IT IS HARMFUL MAY
10 WITHDRAW HIS OR HER MINOR CHILD FROM THE ACTIVITY OR FROM THE
11 CLASS OR PROGRAM IN WHICH THE MATERIAL IS USED. AN OBJECTION TO
12 A LEARNING MATERIAL OR ACTIVITY ON THE BASIS THAT IT IS HARMFUL
13 INCLUDES ANY OBJECTION BASED ON THE BELIEF THAT THE MATERIALS OR
14 ACTIVITIES QUESTION BELIEFS OR PRACTICES IN SEX, MORALITY, OR
15 RELIGION;

16 (d) IF A SCHOOL DISTRICT OFFERS INSTRUCTION IN COMPREHENSIVE
17 HUMAN SEXUALITY EDUCATION PURSUANT TO SECTION 22-1-128, C.R.S.,
18 PROCEDURES ON HOW TO PROVIDE INFORMATION, AT LEAST FIFTEEN DAYS
19 PRIOR TO THE START OF INSTRUCTION, TO PARENTS REGARDING HOW TO
20 OPT OUT OF SUCH INSTRUCTION;

21 (e) PROCEDURES BY WHICH A PARENT WILL BE NOTIFIED AT LEAST
22 FIFTEEN DAYS IN ADVANCE OF AND GIVEN THE OPPORTUNITY TO
23 WITHDRAW HIS OR HER MINOR CHILD FROM ANY INSTRUCTION OR
24 PRESENTATION REGARDING HUMAN SEXUALITY IN COURSES OTHER THAN
25 A FORMAL COMPREHENSIVE HUMAN SEXUALITY EDUCATION PURSUANT TO
26 SECTION 22-1-128, C.R.S.;

27 (f) PROCEDURES BY WHICH A PARENT CAN LEARN ABOUT THE

1 NATURE AND PURPOSE OF CLUBS AND ACTIVITIES THAT ARE PART OF THE
2 SCHOOL CURRICULUM, AS WELL AS EXTRACURRICULAR CLUBS AND
3 ACTIVITIES THAT HAVE BEEN APPROVED BY THE SCHOOL; AND

4 (g) PROCEDURES BY WHICH A PARENT CAN LEARN ABOUT THE
5 PARENTAL RIGHTS AND RESPONSIBILITIES UNDER THE LAWS OF THIS STATE,
6 INCLUDING THE RIGHT TO:

7 (I) OPT OUT OF A COMPREHENSIVE HUMAN SEXUALITY EDUCATION
8 CURRICULUM IF ONE IS PROVIDED BY THE SCHOOL DISTRICT;

9 (II) OBTAIN INFORMATION CONCERNING OPEN ENROLLMENT
10 RIGHTS;

11 (III) OPT OUT OF ASSIGNMENTS PURSUANT TO THIS SECTION;

12 (IV) BE EXEMPT FROM ANY IMMUNIZATION LAWS OF THIS STATE;

13 (V) RECEIVE INFORMATION CONCERNING THE MINIMUM COURSE OF
14 STUDY AND COMPETENCY REQUIREMENTS FOR GRADUATION FROM HIGH
15 SCHOOL;

16 (VI) REVIEW TEST RESULTS;

17 (VII) HAVE HIS OR HER CHILD PARTICIPATE IN GIFTED AND
18 TALENTED PROGRAMS;

19 (VIII) INSPECT INSTRUCTIONAL MATERIALS USED IN CONNECTION
20 WITH ANY RESEARCH OR EXPERIMENTATION PROGRAM OR PROJECT;

21 (IX) RECEIVE A SCHOOL REPORT CARD;

22 (X) RECEIVE INFORMATION RELATED TO ATTENDANCE
23 REQUIREMENTS SET FORTH IN THE "SCHOOL ATTENDANCE LAW OF 1963",
24 ARTICLE 33 OF TITLE 22, C.R.S.;

25 (XI) PUBLIC REVIEW OF TEXTBOOKS AND COURSES OF STUDY;

26 (XII) HAVE HIS OR HER CHILD BE EXCUSED FROM SCHOOL
27 ATTENDANCE FOR RELIGIOUS PURPOSES;

1 (XIII) RECEIVE POLICIES RELATED TO PARENTAL INVOLVEMENT
2 PURSUANT TO THIS SECTION;

3 (XIV) PARTICIPATE IN PARENT TEACHER ASSOCIATIONS AND
4 ORGANIZATIONS THAT ARE SANCTIONED BY THE BOARD OF EDUCATION OF
5 A SCHOOL DISTRICT; AND

6 (XV) OPT OUT OF ANY DATA COLLECTION INSTRUMENT AT THE
7 DISTRICT LEVEL THAT WOULD CAPTURE DATA FOR INCLUSION IN THE STATE
8 LONGITUDINAL STUDENT DATA SYSTEM, EXCEPT WHAT IS NECESSARY AND
9 ESSENTIAL FOR ESTABLISHING A STUDENT'S PUBLIC SCHOOL RECORD.

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

13 (3) A REQUEST FOR INFORMATION PURSUANT TO THIS SECTION
14 SHALL BE SUBMITTED IN WRITING BY A PARENT DURING REGULAR
15 BUSINESS HOURS TO EITHER THE SCHOOL PRINCIPAL OR THE
16 SUPERINTENDENT OF THE SCHOOL DISTRICT. WITHIN TWO BUSINESS DAYS
17 OF RECEIVING THE INFORMATION REQUEST, THE SCHOOL PRINCIPAL OR
18 DISTRICT SUPERINTENDENT SHALL DELIVER THE REQUESTED INFORMATION
19 TO THE PARENT.

20 **14-16-105. Parental rights related to health care of a minor**
21 **child - exceptions - penalty.** (1) EXCEPT AS OTHERWISE PROVIDED BY
22 LAW, NO PERSON, CORPORATION, ASSOCIATION, ORGANIZATION,
23 STATE-SUPPORTED INSTITUTION, OR INDIVIDUAL EMPLOYED BY ANY OF
24 THESE ENTITIES MAY PROCURE, SOLICIT TO PERFORM, ARRANGE FOR THE
25 PERFORMANCE OF, PERFORM SURGICAL PROCEDURES, OR PERFORM A
26 PHYSICAL EXAMINATION UPON A MINOR CHILD OR PRESCRIBE ANY
27 PRESCRIPTION DRUGS TO A MINOR CHILD WITHOUT FIRST OBTAINING

1 WRITTEN CONSENT FROM THE MINOR CHILD'S PARENT.

2 (2) A HOSPITAL OR MEDICAL CENTER SHALL NOT PERMIT A
3 SURGICAL PROCEDURE TO BE PERFORMED UPON A MINOR CHILD IN ITS
4 FACILITIES WITHOUT FIRST RECEIVING WRITTEN CONSENT FROM THE MINOR
5 CHILD'S PARENT.

6 (3) THE PROVISIONS OF THIS SECTION DO NOT APPLY WHEN A
7 PHYSICIAN DETERMINES THAT A MEDICAL EMERGENCY EXISTS AND THAT
8 IT IS NECESSARY TO PERFORM A SURGICAL PROCEDURE FOR THE
9 TREATMENT OF AN INJURY OR OF DRUG ABUSE, OR TO SAVE THE LIFE OF
10 THE MINOR CHILD, OR WHEN THE MINOR CHILD'S PARENT CANNOT BE
11 LOCATED OR CONTACTED AFTER REASONABLY DILIGENT EFFORTS.

12 (4) A PERSON WHO VIOLATES A PROVISION OF THIS SECTION IS
13 GUILTY OF AN UNCLASSIFIED MISDEMEANOR, PUNISHABLE BY A FINE OF
14 NOT MORE THAN ONE THOUSAND DOLLARS OR IMPRISONMENT OF NOT
15 MORE THAN ONE YEAR, OR BOTH.

16 **14-16-106. Parental rights related to mental health care -**
17 **exceptions - penalty.** (1) EXCEPT AS OTHERWISE PROVIDED BY LAW OR
18 A COURT ORDER, A PERSON, CORPORATION, ASSOCIATION, ORGANIZATION,
19 OR STATE-SUPPORTED INSTITUTION, OR ANY INDIVIDUAL EMPLOYED BY
20 ANY OF THESE ENTITIES, MAY NOT PROCURE, SOLICIT TO PERFORM OR
21 PROVIDE, ARRANGE FOR THE PERFORMANCE OR PROVISION OF, OR
22 PERFORM OR PROVIDE A MENTAL HEALTH EVALUATION OR MENTAL
23 HEALTH TREATMENT OF A MINOR CHILD IN A CLINICAL OR NONCLINICAL
24 SETTING WITHOUT FIRST OBTAINING WRITTEN CONSENT FROM THE MINOR
25 CHILD'S PARENT. IF THE PARENTAL CONSENT IS GIVEN THROUGH
26 TELEMEDICINE, THE MENTAL HEALTH CARE PROFESSIONAL SHALL VERIFY
27 THE IDENTITY OF THE PARENT AT THE SITE WHERE THE CONSENT WAS

1 GIVEN.

2 (2) THIS SECTION DOES NOT APPLY WHEN AN EMERGENCY EXISTS
3 THAT REQUIRES A PROFESSIONAL PERSON TO PERFORM A MENTAL HEALTH
4 SCREENING OR PROVIDE MENTAL HEALTH TREATMENT TO PREVENT
5 SERIOUS INJURY OR TO SAVE THE MINOR CHILD'S LIFE.

6 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF AN
7 UNCLASSIFIED MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN
8 ONE THOUSAND DOLLARS OR IMPRISONMENT OF NOT MORE THAN ONE
9 YEAR, OR BOTH.

10 **SECTION 2. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2016 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.