

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 15-0264.01 Jane Ritter x4342

**SENATE BILL 15-077**

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**SENATE SPONSORSHIP**

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

**HOUSE SPONSORSHIP**

**Neville P.**, Saine, Humphrey, Everett

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**Senate Committees**  
Education

**House Committees**

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**A BILL FOR AN ACT**

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

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**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.

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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.*

SENATE  
3rd Reading Unamended  
February 12, 2015

SENATE  
Amended 2nd Reading  
February 11, 2015

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

3   **ARTICLE 16**

4   **Parent's Bill of Rights**

5           **14-16-101. Short title.** THIS ARTICLE IS KNOWN AS THE "PARENT'S  
6 BILL OF RIGHTS".

7           **14-16-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
8 CONTEXT OTHERWISE REQUIRES:

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

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

13           **14-16-103. Parental rights reserved - exceptions.** (1) THIS  
14 STATE, ANY POLITICAL SUBDIVISION OF THIS STATE, OR ANY OTHER  
15 GOVERNMENTAL ENTITY OR INSTITUTION SHALL NOT INFRINGE UPON THE  
16 FUNDAMENTAL RIGHT OF A PARENT TO DIRECT THE UPBRINGING,  
17 EDUCATION, AND PHYSICAL AND MENTAL HEALTH CARE OF HIS OR HER  
18 MINOR CHILD WITHOUT DEMONSTRATING THAT THE COMPELLING  
19 GOVERNMENTAL INTEREST, AS APPLIED TO THE CHILD INVOLVED, IS OF THE  
20 HIGHEST ORDER, IS NARROWLY TAILORED, AND CANNOT BE ACCOMPLISHED  
21 IN A LESS RESTRICTIVE MANNER.

22           (2) ALL PARENTAL RIGHTS ARE RESERVED TO A PARENT OF A  
23 MINOR CHILD WITHOUT OBSTRUCTION OR INTERFERENCE FROM THIS STATE,  
24 ANY POLITICAL SUBDIVISION OF THIS STATE, OR ANY OTHER  
25 GOVERNMENTAL ENTITY OR INSTITUTION, INCLUDING BUT NOT LIMITED TO,  
26 THE RIGHT TO:

27           (a) DIRECT THE EDUCATION OF THE MINOR CHILD;

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.

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17 **SECTION 2. Act subject to petition - effective date.** This act  
18 takes effect at 12:01 a.m. on the day following the expiration of the  
19 ninety-day period after final adjournment of the general assembly (August  
20 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a  
21 referendum petition is filed pursuant to section 1 (3) of article V of the  
22 state constitution against this act or an item, section, or part of this act  
23 within such period, then the act, item, section, or part will not take effect  
24 unless approved by the people at the general election to be held in  
25 November 2016 and, in such case, will take effect on the date of the  
26 official declaration of the vote thereon by the governor.