

HCS HB 2426 -- PARENTAL RIGHTS (Keathley)

COMMITTEE OF ORIGIN: Standing Committee on Children and Families

PARENT RIGHTS (Sections 1.390 and 1.391)

This bill provides that a parent has a fundamental right to direct the upbringing, education, health care, and mental health of such parent's child free from government interference. A governmental authority shall not restrict parental rights unless the authority demonstrates that the restriction is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling interest. This provision applies to all state and local laws, resolutions, and ordinances and to the implementation of such laws, resolutions, and ordinances.

The bill outlines certain parental rights that are exclusively reserved to a parent without obstruction by or interference from this State, any political subdivision of the State, any governmental entity, or any other institution. Under the bill, parents have the right to:

- (1) Direct the education of the child;
- (2) Access and review all written and electronic educational records of the child;
- (3) Direct the child's upbringing;
- (4) Direct the child's moral or religious training;
- (5) Consent in writing to all physical and mental health care decisions for the child;
- (6) Access and review all health and medical records of the child;
- (7) Consent in writing before a biometric scan of the child is made, shared, or stored;
- (8) Consent in writing before any record of the child's blood or DNA is created, stored, or shared, unless authorized pursuant to a court order;
- (9) Consent in writing before any governmental authority makes a video or voice recording of the child, unless, without abrogating

rights secured under the Fourth Amendment to the United States Constitution, such recording is made as part of an event or circumstance described in the bill;

(10) Be notified promptly if a governmental authority suspects that abuse, neglect, or a criminal offense has been committed against the child, unless such notification is reasonably believed to be likely to endanger the life or physical safety of the child;

(11) Opt the child out of any personal analysis, evaluation, survey, or data collection by a school district except what is necessary and essential for establishing a student's educational record for a student of the school district;

(12) Excuse a child from school attendance for religious purposes;

(13) Participate in parent-teacher organizations and other school organizations that are sanctioned by the board of education of a school district;

(14) Receive, upon first contact with a representative of the Department of Social Services, an accurate written itemization containing all details of allegations of child abuse or neglect of the child, excluding only the name of the person who made the allegations; and

(15) View a publicly available, easily accessible accounting of all financial transactions conducted with school district funds without being required to submit a formal request or otherwise make direct contact with the school district to access such information.

Except for law enforcement personnel, a governmental authority shall not encourage or coerce a child to withhold information from the child's parent; nor shall a governmental authority withhold from a child's parent information that is relevant to the physical, emotional, or mental health of the child.

A parent who believes his or her rights have been violated under this bill may assert that violation as a claim or defense in a judicial or administrative proceeding, regardless of whether the government is a party to the proceeding, and obtain appropriate relief against the government, including declaratory relief, injunctive relief, compensatory damages, and reasonable attorney's fees and costs.

SPECIAL EDUCATION RECORDS (Section 161.854)

This bill also requires public schools that serve students with an individualized education program (IEP) to implement parental consent procedures. Written parental consent must be obtained and maintained for initial placement, placement changes, removal of service, or the reduction or addition of service minutes by more than 25% as specified in the bill.

If the parents and local educational agency (LEA) only reach an agreement on certain IEP services or interim placement, the child's new IEP will only be implemented in the areas of agreement with the current services remaining unchanged unless the local education agency follows procedures specified in the bill.

The bill states that if consent is not provided within 10 school days, the LEA and the parents must include an additional addendum to a child's IEP on areas of disagreement and provide resolution for the disagreement within 20 school days with the option of an additional 20 school days with consent from both parties as long as progress or additional agreements are reached. Dispute resolution options are provided and can occur upon request of either the school district or the parent of the child.

If a child is identified as eligible for special education services, the parents have the right to schedule a visit for any program or classroom proposed for their child as long as that visit does not interfere with instruction.

The Department of Elementary and Secondary Education (DESE) must adopt a parental consent form, as specified in the bill, that each school district will provide to parents. Districts may not proceed with implementation of a student's IEP without the parental consent form completed except as provided in the bill.

This provision has a delayed effective date of July 1, 2027.

ONLINE PUBLIC SCHOOL FINANCIAL RECORDS (Section 162.192)

The bill requires each school district to maintain an easily accessible online record of all moneys the district receives and spends. Each public school within a school district must post the district's financial ledger on the school's website, as specified in the bill. The financial ledger must be updated monthly, within 45 days of the close of the calendar month, and

the website must contain at least five fiscal years of financial information.

DESE may provide standardized language or icons, and provide or approve templates or platforms for a school district to use to comply with these provisions. Each school district is required to certify compliance to DESE annually and if DESE finds that a school district is in violation of these provisions they may withhold state aid to the district. The bill requires DESE to establish a process for members of the public to file a complaint.

MEDICAL TREATMENT (Section 431.061)

The bill additionally repeals provisions authorizing minors to consent to medical treatment or procedures involving venereal disease and drug or substance abuse.