

An act to add Section 49.1 to the Civil Code, and to add Article 2 (commencing with Section 51110) to Chapter 1.5 of Part 28 of Division 4 of Title 2 of the Education Code, relating to parental rights.

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as the California Parents' Bill of Rights.

SEC. 2. Section 49.1 is added to the Civil Code, to read:

49.1. (a) The state recognizes the following parental rights:

(1) Pursuant to various provisions in the Education Code and confirmed by various information from the State Department of Education, the right to direct the education and care of the parent's or guardian's minor child.

(2) Pursuant to Section 4 of Article I of the California Constitution, the right to advise on the moral or religious training by a parent's or guardian's minor child.

(3) Pursuant to Chapter 7 (commencing with Section 3300) of Part 2 of Division 1 of the Unemployment Insurance Code, the right to use paid family leave to care for a sick or newborn child.

(4) Pursuant to various provisions in the Education Code and confirmed by various information from the State Department of Education, the right to enroll the parent's or guardian's minor child in a public school, or as an alternative, a private school, including a religious school, a home education program, or a charter school.

(5) Pursuant to the Family Educational Rights and Privacy Act of 2001 (20 U.S.C. Sec. 1232g) (FERPA), the right to access and review all school attendance and academic records relating to the parent's or guardian's minor child, unless prohibited under state or federal law.

(6) Except as otherwise authorized by law, including pursuant to Chapter 3 (commencing with Section 6920) of Part 4 of Division 11 of the Family Code, the right to make health care decisions for the parent's or guardian's minor child.

(7) Pursuant to Chapter 1 (commencing Section 123100) of Part 1 of Division 106 of the Healthy and Safety Code, the right to access and review all medical records of the parent's or guardian's minor child, unless prohibited by state or federal law or if the parent or guardian is the subject of an investigation of a crime committed against the minor child and subject to law enforcement agency or official request or order that the information not be released.

(8) The right to consent in writing before any of the personal information included in paragraph (1) of subdivision (a) of Section 4017.1 of the Penal Code of the minor child is made, shared, or stored.

(9) The right to be notified promptly if an employee of a local educational agency, as defined in Section 51112 of the Education Code, suspects that a criminal offense has been committed against the parent's or guardian's minor child, unless the incident has been reported to law enforcement.

(b) This section shall not preclude an employee of a local educational agency, as defined in Section 51112 of the Education Code, from acting in the employee's official capacity within the scope of the employee's authority.

(c) This section shall not authorize or allow a parent or guardian to engage in conduct that is unlawful or to abuse or neglect a child in violation of the laws of this state. This section shall not be construed to apply to a parental action or decision that would end life. This section shall not prohibit courts, law enforcement officers, or employees of a governmental agency responsible for child welfare from acting in their



official capacity within the reasonable and prudent scope of their authority. This section shall not prohibit a court from issuing an order that is otherwise permitted by law.

SEC. 3. Article 2 (commencing with Section 51110) is added to Chapter 1.5 of Part 28 of Division 4 of Title 2 of the Education Code, to read:

Article 2. California Parents' Bill of Educational Rights.

51110. (a) A local educational agency shall provide parents and guardians with opportunities to participate in schools to improve parent and teacher cooperation in areas including homework, school attendance, and discipline each quarter.

(b) A local educational agency, at the start of each quarter, shall provide parents and guardians opportunities to learn about their minor child's course of study, including the source of any supplemental educational materials.

(c) A local educational agency shall inform parents and guardians in advance of any teachings related to comprehensive sexual health education and HIV prevention education and the procedure to have their child opt out of that education pursuant to Section 51938.

(d) A local educational agency shall provide an annual newsletter to parents and guardians to learn about the nature and purpose of clubs and activities offered at their minor child's school.

51111. (a) A local educational agency shall post information for parents or guardians on its internet website regarding all of the following topics:

- (1) How to opt out of the comprehensive sexual health education and HIV prevention education.
- (2) School choice options offered by the local educational agency.
- (3) Immunization requirements.
- (4) How to review statewide standardized assessment results.
- (5) How to qualify their child in gifted or special education programs.
- (6) How to inspect instructional materials, including curriculum materials.
- (7) How to access the local educational agency's policies for promotion or retention, including high school graduation requirements.
- (8) Consistent with federal or state law, how to have access to school report cards and be informed of their minor child's attendance record and requirements.
- (9) Access to information relating to the state public education system, state standards report card requirements, attendance requirements, and instructional material requirements.
- (10) How to participate in parent-teacher associations.
- (11) How to opt out of any local educational agency-level data collection relating to their minor child not required by law.

(b) Parents or guardians shall be responsible for ensuring that they are in compliance with all other statutory rules and regulations.

51112. For purposes of this article, "local educational agency" means a charter school, school district, or county office of education.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for



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those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: California Parents' Bill of Rights Act.

Existing law provides for certain personal rights by statute, including the right to protection from bodily restraint or harm, from personal insult, from defamation, and from injury to personal relations.

Under this bill, known as the California Parents' Bill of Rights, the state would recognize certain rights, including, among others, the right of a parent or guardian to advise on the moral or religious training of their minor child. The bill would specify that the recognition of those rights does not preclude an employee of a local educational agency, as defined, from acting in the employee's official capacity within the scope of the employee's authority.

Existing law provides a parent or guardian of a pupil enrolled in a public school the right to participate in the education of their children, as specified, including, among others, the right to observe their child's classroom within a reasonable period of time following a request therefor.

This bill would require a charter school, school district, or county office of education to, among other things, provide parents and guardians with opportunities to participate in schools to improve parent and teacher cooperation in areas including homework, school attendance, and discipline. The bill would also require those local educational agencies to post on their respective internet website specified information, including how to receive information about school choice options offered by the local educational agency.

By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

