

ASSEMBLY BILL

No. 1785

Introduced by Assembly Member Davies
(Coauthors: Assembly Members Gallagher, Kiley, Lackey, Mathis,
Nguyen, Seyarto, Smith, and Voepel)
(Coauthor: Senator Dahle)

February 3, 2022

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.

LEGISLATIVE COUNSEL'S DIGEST

AB 1785, as introduced, Davies. 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.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 California Parents’ Bill of Rights.
- 3 SEC. 2. Section 49.1 is added to the Civil Code, to read:
- 4 49.1. (a) The state recognizes the following parental rights:
- 5 (1) Pursuant to various provisions in the Education Code and
- 6 confirmed by various information from the State Department of
- 7 Education, the right to direct the education and care of the parent’s
- 8 or guardian’s minor child.
- 9 (2) Pursuant to Section 4 of Article I of the California
- 10 Constitution, the right to advise on the moral or religious training
- 11 by a parent’s or guardian’s minor child.
- 12 (3) Pursuant to Chapter 7 (commencing with Section 3300) of
- 13 Part 2 of Division 1 of the Unemployment Insurance Code, the
- 14 right to use paid family leave to care for a sick or newborn child.
- 15 (4) Pursuant to various provisions in the Education Code and
- 16 confirmed by various information from the State Department of
- 17 Education, the right to enroll the parent’s or guardian’s minor child

1 in a public school, or as an alternative, a private school, including
2 a religious school, a home education program, or a charter school.

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

8 (6) Except as otherwise authorized by law, including pursuant
9 to Chapter 3 (commencing with Section 6920) of Part 4 of Division
10 11 of the Family Code, the right to make health care decisions for
11 the parent's or guardian's minor child.

12 (7) Pursuant to Chapter 1 (commencing Section 123100) of Part
13 1 of Division 106 of the Healthy and Safety Code, the right to
14 access and review all medical records of the parent's or guardian's
15 minor child, unless prohibited by state or federal law or if the
16 parent or guardian is the subject of an investigation of a crime
17 committed against the minor child and subject to law enforcement
18 agency or official request or order that the information not be
19 released.

20 (8) The right to consent in writing before any of the personal
21 information included in paragraph (1) of subdivision (a) of Section
22 4017.1 of the Penal Code of the minor child is made, shared, or
23 stored.

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

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

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

1 and prudent scope of their authority. This section shall not prohibit
2 a court from issuing an order that is otherwise permitted by law.

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

6
7 Article 2. California Parents’ Bill of Educational Rights.
8

9 51110. (a) A local educational agency shall provide parents
10 and guardians with opportunities to participate in schools to
11 improve parent and teacher cooperation in areas including
12 homework, school attendance, and discipline each quarter.

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

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

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

25 51111. (a) A local educational agency shall post information
26 for parents or guardians on its internet website regarding all of the
27 following topics:

28 (1) How to opt out of the comprehensive sexual health education
29 and HIV prevention education.

30 (2) School choice options offered by the local educational
31 agency.

32 (3) Immunization requirements.

33 (4) How to review statewide standardized assessment results.

34 (5) How to qualify their child in gifted or special education
35 programs.

36 (6) How to inspect instructional materials, including curriculum
37 materials.

38 (7) How to access the local educational agency’s policies for
39 promotion or retention, including high school graduation
40 requirements.

1 (8) Consistent with federal or state law, how to have access to
2 school report cards and be informed of their minor child’s
3 attendance record and requirements.

4 (9) Access to information relating to the state public education
5 system, state standards report card requirements, attendance
6 requirements, and instructional material requirements.

7 (10) How to participate in parent-teacher associations.

8 (11) How to opt out of any local educational agency-level data
9 collection relating to their minor child not required by law.

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

12 51112. For purposes of this article, “local educational agency”
13 means a charter school, school district, or county office of
14 education.

15 SEC. 4. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.