

HOUSE BILL 618

D4, F5, J1

2lr1862

By: **Delegates Cox, Arikan, Parrott, Reilly, and Szeliga**

Introduced and read first time: January 31, 2022

Assigned to: Ways and Means and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Parental Rights Act**

3 FOR the purpose of requiring that the State Board of Education and county boards of
4 education allow a certain amount of time for certain testimony at public board
5 meetings; prohibiting an employee of a school district from withholding certain
6 information relating to a child's health or well-being from the child's parent or
7 guardian; requiring each county board to establish and adopt a certain policy
8 regarding the promotion of parent involvement in the public school system; requiring
9 each county board to provide a certain summary of curriculum information to
10 parents or guardians by a certain time and in a certain manner; requiring the State
11 to give a parent the opportunity to be tried before a jury before terminating the
12 parent's rights; providing that certain parental rights are reserved to the parents
13 and guardians of minor children in the State and prohibiting the State and other
14 governmental entities from infringing on those rights, except under certain
15 circumstances; requiring a health care practitioner or the owner of a health care
16 facility or certain employees to obtain the consent of a minor's parent or guardian
17 before providing or soliciting or arranging to provide certain health care services or
18 prescribing certain drugs to a minor; providing for a certain penalty for a certain
19 violation; and generally relating to the rights of parents and guardians.

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 2–204(a) and 3–104
23 Annotated Code of Maryland
24 (2018 Replacement Volume and 2021 Supplement)

25 BY adding to
26 Article – Education
27 Section 7–129, 7–130, and 7–131
28 Annotated Code of Maryland
29 (2018 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
 2 Article – Family Law
 3 Section 5–1501 through 5–1505 to be under the new subtitle “Subtitle 15. Parental
 4 Rights”
 5 Annotated Code of Maryland
 6 (2019 Replacement Volume and 2021 Supplement)

7 BY adding to
 8 Article – Health – General
 9 Section 20–112
 10 Annotated Code of Maryland
 11 (2019 Replacement Volume and 2021 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 13 That the Laws of Maryland read as follows:

14 **Article – Education**

15 2–204.

16 (a) (1) Each year, the State Board shall hold:

17 (i) A meeting in July; and

18 (ii) At least three other regular meetings.

19 (2) The Board may hold special meetings as necessary.

20 **(3) AT EACH PUBLIC MEETING, THE BOARD SHALL ALLOW AT LEAST**
 21 **10 MINUTES FOR TESTIMONY FROM PARENTS AND GUARDIANS OF STUDENTS IN**
 22 **PUBLIC SCHOOLS IN THE STATE.**

23 3–104.

24 (a) Each county board is a body politic and corporate by the name of the Board of
 25 Education of..... County.

26 (b) A county board:

27 (1) Has perpetual existence;

28 (2) May sue and be sued; and

29 (3) May have, use, alter, or abandon a common seal.

1 **(C) AT EACH PUBLIC MEETING, A COUNTY BOARD SHALL ALLOW AT LEAST**
2 **10 MINUTES FOR TESTIMONY FROM PARENTS AND GUARDIANS OF STUDENTS IN**
3 **PUBLIC SCHOOL IN THE COUNTY OR BALTIMORE CITY, AS APPLICABLE.**

4 **7-129.**

5 **THE GENERAL ASSEMBLY FINDS THAT NO INFORMATION RELATING TO THE**
6 **HEALTH AND WELL-BEING OF A MINOR CHILD DOCUMENTED BY ANY EMPLOYEE OF**
7 **THE SCHOOL DISTRICT, INCLUDING DIAGNOSES OR OBSERVATIONS GIVEN BY**
8 **EMPLOYEES TRAINED IN MEDICINE OR MENTAL HEALTH, SHALL BE WITHHELD**
9 **FROM A CHILD'S PARENT OR GUARDIAN.**

10 **7-130.**

11 **(A) EACH COUNTY BOARD SHALL, IN CONSULTATION WITH PARENTS,**
12 **TEACHERS, AND ADMINISTRATORS, ESTABLISH AND ADOPT A POLICY TO PROMOTE**
13 **PARENTAL INVOLVEMENT IN THE PUBLIC SCHOOL SYSTEM.**

14 **(B) THE POLICY DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION**
15 **SHALL INCLUDE:**

16 **(1) A PLAN FOR PARENTAL PARTICIPATION IN SCHOOLS TO IMPROVE**
17 **PARENT AND TEACHER COOPERATION IN HOMEWORK, SCHOOL ATTENDANCE, AND**
18 **DISCIPLINE;**

19 **(2) A PROCEDURE FOR A PARENT TO LEARN ABOUT THE PARENT'S**
20 **MINOR CHILD'S COURSE OF STUDY, INCLUDING THE SOURCE OF ANY**
21 **SUPPLEMENTAL EDUCATIONAL MATERIALS;**

22 **(3) A PROCEDURE FOR A PARENT TO OBJECT TO INSTRUCTIONAL**
23 **MATERIALS AND OTHER MATERIALS, INCLUDING WORKBOOKS AND WORKSHEETS,**
24 **HANDOUTS, SOFTWARE, APPLICATIONS, AND ANY DIGITAL MEDIA MADE AVAILABLE**
25 **TO STUDENTS USED IN THE CLASSROOM, IF THE OBJECTION IS BASED ON BELIEFS**
26 **REGARDING MORALITY, RELIGION, PHILOSOPHY, ANY FUNDAMENTAL VALUE**
27 **SYSTEM DEEMED IMPORTANT BY A PARENT, OR THE BELIEF THAT THE MATERIALS**
28 **ARE HARMFUL;**

29 **(4) A PROCEDURE FOR A PARENT TO WITHDRAW THE MINOR CHILD**
30 **FROM ANY PORTION OF THE COUNTY BOARD'S COMPREHENSIVE HEALTH**
31 **EDUCATION RELATED TO ACQUIRED IMMUNE DEFICIENCY SYNDROME OR**
32 **SEXUALITY, INCLUDING:**

1 **(I) NOTICE TO THE PARENT OF THE COURSE CONTENT BEFORE**
2 **PROVIDING INSTRUCTION ON THE CONTENT IN THE SCHOOL; AND**

3 **(II) A REQUIREMENT THAT, IF THE PARENT WOULD LIKE TO**
4 **WITHDRAW THE CHILD FROM THE COURSE OR LESSON, THE PARENT MUST OBJECT**
5 **IN WRITING TO THE CHILD'S PARTICIPATION;**

6 **(5) A PROCEDURE FOR A PARENT TO LEARN ABOUT THE NATURE AND**
7 **PURPOSE OF CLUBS AND ACTIVITIES OFFERED AT THE MINOR CHILD'S SCHOOL,**
8 **INCLUDING THOSE THAT ARE EXTRACURRICULAR OR PART OF THE SCHOOL**
9 **CURRICULUM; AND**

10 **(6) A PROCEDURE FOR A PARENT TO LEARN ABOUT PARENTAL**
11 **RIGHTS AND RESPONSIBILITIES UNDER GENERAL LAW, INCLUDING THE RIGHTS**
12 **LISTED UNDER § 5-1504 OF THE FAMILY LAW ARTICLE.**

13 **(C) A COUNTY BOARD MAY PROVIDE THE INFORMATION REQUIRED UNDER**
14 **SUBSECTION (B) OF THIS SECTION ELECTRONICALLY.**

15 **(D) (1) A PARENT MAY REQUEST, IN WRITING, FROM THE COUNTY**
16 **SUPERINTENDENT THE INFORMATION LISTED UNDER SUBSECTION (B) OF THIS**
17 **SECTION.**

18 **(2) A COUNTY SUPERINTENDENT SHALL PROVIDE INFORMATION**
19 **REQUESTED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE PARENT WITHIN**
20 **10 DAYS AFTER THE DATE THE COUNTY SUPERINTENDENT RECEIVED THE REQUEST.**

21 **(3) IF A COUNTY SUPERINTENDENT DENIES A REQUEST FOR**
22 **INFORMATION OR FAILS TO RESPOND WITHIN 10 DAYS, THE PARENT MAY APPEAL**
23 **THE DENIAL OR DELAY TO THE COUNTY BOARD.**

24 **(4) A COUNTY BOARD SHALL CONSIDER AND MAKE A DETERMINATION**
25 **ON A PARENT'S APPEAL DURING:**

26 **(I) THE BOARD'S NEXT PUBLIC MEETING; OR**

27 **(II) IF THE PARENT'S APPEAL CANNOT BE SCHEDULED ON THE**
28 **AGENDA FOR THE NEXT PUBLIC MEETING, THE BOARD'S IMMEDIATELY FOLLOWING**
29 **NEXT PUBLIC MEETING.**

30 **7-131.**

1 AT LEAST 14 DAYS BEFORE THE FIRST DAY OF EACH SCHOOL YEAR, EACH
2 COUNTY BOARD SHALL PROVIDE TO THE PARENT OR GUARDIAN OF EACH STUDENT
3 ENROLLED IN A PUBLIC SCHOOL UNDER THE COUNTY BOARD'S JURISDICTION A
4 WRITTEN SUMMARY OF THE CURRICULUM FOR THE STUDENT'S GRADE WRITTEN IN
5 PLAIN LANGUAGE AND EXPLAINING ANY CHANGES IN THE CURRICULUM FROM THE
6 IMMEDIATELY PRECEDING SCHOOL YEAR.

7 Article – Family Law

8 SUBTITLE 15. PARENTAL RIGHTS.

9 5-1501.

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (B) "COUNTY BOARD" MEANS A COUNTY BOARD OF EDUCATION, INCLUDING
13 THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

14 (C) "PARENT" MEANS AN INDIVIDUAL WHO HAS LEGAL CUSTODY OF A
15 MINOR CHILD AS A NATURAL OR ADOPTIVE PARENT OR A LEGAL GUARDIAN.

16 5-1502.

17 THE GENERAL ASSEMBLY FINDS THAT:

18 (1) IT IS A FUNDAMENTAL RIGHT OF PARENTS TO DIRECT THE
19 UPBRINGING, EDUCATION, AND CARE OF THEIR MINOR CHILDREN;

20 (2) NO INFORMATION RELATING TO A MINOR CHILD SHOULD BE
21 WITHHELD, EITHER INADVERTENTLY OR PURPOSEFULLY, FROM THE CHILD'S
22 PARENT, INCLUDING INFORMATION RELATING TO THE CHILD'S HEALTH,
23 WELL-BEING, AND EDUCATION WHILE THE CHILD IS IN THE CUSTODY OF A LOCAL
24 SCHOOL SYSTEM; AND

25 (3) IT IS NECESSARY TO ESTABLISH A CONSISTENT MECHANISM FOR
26 PARENTS TO BE NOTIFIED OF INFORMATION RELATING TO THE HEALTH AND
27 WELL-BEING OF THEIR MINOR CHILDREN.

28 5-1503.

29 (A) THE STATE, ANY OF ITS POLITICAL SUBDIVISIONS, ANY OTHER
30 GOVERNMENTAL ENTITY, OR ANY OTHER INSTITUTION MAY NOT INFRINGE ON THE
31 FUNDAMENTAL RIGHTS OF A PARENT TO DIRECT THE UPBRINGING, EDUCATION,

1 HEALTH CARE, AND MENTAL HEALTH OF THE PARENT'S MINOR CHILD WITHOUT
2 DEMONSTRATING THAT THE ACTION IS:

3 (1) REASONABLE AND NECESSARY TO ACHIEVE A COMPELLING STATE
4 INTEREST;

5 (2) NARROWLY TAILORED; AND

6 (3) NOT OTHERWISE SERVED BY A LESS RESTRICTIVE MEANS.

7 (B) BEFORE TERMINATING A PARENT'S RIGHTS, THE STATE SHALL GIVE
8 THE PARENT THE OPPORTUNITY TO BE TRIED BEFORE A JURY.

9 5-1504.

10 (A) ALL PARENTAL RIGHTS ARE RESERVED TO THE PARENT OF A MINOR
11 CHILD IN THE STATE WITHOUT OBSTRUCTION OR INTERFERENCE FROM THE STATE,
12 ANY OF ITS POLITICAL SUBDIVISIONS, ANY OTHER GOVERNMENTAL ENTITY, OR ANY
13 OTHER INSTITUTION, INCLUDING, EXCEPT AS OTHERWISE PROVIDED BY LAW, THE
14 RIGHT TO:

15 (1) DIRECT THE EDUCATION AND CARE OF THE CHILD;

16 (2) DIRECT THE UPBRINGING AND THE MORAL OR RELIGIOUS
17 TRAINING OF THE CHILD;

18 (3) APPLY TO ENROLL THE CHILD IN A PUBLIC SCHOOL OR, AS AN
19 ALTERNATIVE TO PUBLIC EDUCATION, A NONPUBLIC SCHOOL, INCLUDING A
20 RELIGIOUS SCHOOL, A HOME EDUCATION PROGRAM, OR ANY OTHER AVAILABLE
21 OPTIONS, AS AUTHORIZED BY LAW;

22 (4) ACCESS AND REVIEW ALL SCHOOL RECORDS RELATING TO THE
23 CHILD;

24 (5) MAKE HEALTH CARE DECISIONS FOR THE CHILD;

25 (6) ACCESS AND REVIEW ALL MEDICAL RECORDS OF THE CHILD,
26 UNLESS THE PARENT IS THE SUBJECT OF AN INVESTIGATION OF A CRIME
27 COMMITTED AGAINST THE CHILD OR PARENTAL RIGHTS HAVE BEEN TERMINATED;

28 (7) CONSENT, IN WRITING, BEFORE A BIOMETRIC SCAN OF THE CHILD
29 IS MADE, SHARED, OR STORED;

1 **(8) CONSENT, IN WRITING, BEFORE ANY RECORD OF THE CHILD'S**
2 **BLOOD OR DNA IS CREATED, STORED, OR SHARED;**

3 **(9) BE NOTIFIED PROMPTLY IF AN EMPLOYEE OF THE STATE, ANY OF**
4 **ITS POLITICAL SUBDIVISIONS, ANY OTHER GOVERNMENTAL ENTITY, OR ANY OTHER**
5 **INSTITUTION SUSPECTS THAT A CRIMINAL OFFENSE HAS BEEN COMMITTED**
6 **AGAINST THE CHILD, UNLESS THE PARENT IS THE SUBJECT OF THE INVESTIGATION;**

7 **(10) OPT THE CHILD OUT OF ANY PORTION OF THE COMPREHENSIVE**
8 **HEALTH EDUCATION REQUIRED THAT RELATES TO SEX EDUCATION INSTRUCTION IN**
9 **ACQUIRED IMMUNE DEFICIENCY SYNDROME EDUCATION OR ANY INSTRUCTION**
10 **REGARDING SEXUALITY;**

11 **(11) EXEMPT THE CHILD FROM IMMUNIZATIONS IN ACCORDANCE WITH**
12 **§ 7-403 OF THE EDUCATION ARTICLE;**

13 **(12) REVIEW STATEWIDE STANDARDIZED ASSESSMENT RESULTS;**

14 **(13) ENROLL THE CHILD IN GIFTED OR SPECIAL EDUCATION**
15 **PROGRAMS;**

16 **(14) INSPECT INSTRUCTIONAL MATERIALS USED BY THE COUNTY**
17 **BOARD;**

18 **(15) ACCESS INFORMATION RELATING TO THE COUNTY BOARD'S**
19 **POLICIES FOR THE PROMOTION OR RETENTION OF STUDENTS, INCLUDING HIGH**
20 **SCHOOL GRADUATION REQUIREMENTS;**

21 **(16) RECEIVE A SCHOOL REPORT CARD AND BE INFORMED OF THE**
22 **CHILD'S ATTENDANCE REQUIREMENTS;**

23 **(17) ACCESS INFORMATION RELATING TO THE STATE PUBLIC**
24 **EDUCATION SYSTEM, STATE STANDARDS, REPORT CARD REQUIREMENTS,**
25 **ATTENDANCE REQUIREMENTS, AND INSTRUCTIONAL MATERIALS REQUIREMENTS;**

26 **(18) PARTICIPATE IN PARENT-TEACHER ASSOCIATIONS AND**
27 **ORGANIZATIONS THAT ARE SANCTIONED BY A COUNTY BOARD OR THE STATE**
28 **DEPARTMENT OF EDUCATION; AND**

29 **(19) OPT OUT OF ANY COUNTY-LEVEL DATA COLLECTION RELATING TO**
30 **THE CHILD.**

1 (B) AN EMPLOYEE OF THE STATE, ANY OF ITS POLITICAL SUBDIVISIONS, OR
2 ANY OTHER GOVERNMENTAL ENTITY THAT ENCOURAGES OR COERCES, OR
3 ATTEMPTS TO ENCOURAGE OR COERCE, A MINOR CHILD TO WITHHOLD
4 INFORMATION FROM THE CHILD'S PARENT MAY BE SUBJECT TO DISCIPLINARY
5 ACTION BY THE APPROPRIATE AUTHORITY.

6 (C) (1) A PARENT OF A MINOR CHILD IN THE STATE HAS INALIENABLE
7 RIGHTS THAT ARE MORE COMPREHENSIVE THAN THOSE LISTED IN THIS SECTION,
8 UNLESS THE RIGHTS HAVE BEEN LEGALLY WAIVED OR TERMINATED.

9 (2) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE RIGHTS OF A
10 PARENT OF A MINOR CHILD IN THE STATE MAY NOT BE LIMITED OR DENIED.

11 (D) THIS SUBTITLE MAY NOT BE CONSTRUED TO PRESCRIBE ALL RIGHTS TO
12 A PARENT OF A MINOR CHILD IN THE STATE.

13 5-1505.

14 THIS SUBTITLE MAY BE CITED AS THE PARENTS' BILL OF RIGHTS.

15 Article - Health - General

16 20-112.

17 (A) EXCEPT AS OTHERWISE PROVIDED BY LAW, A HEALTH CARE
18 PRACTITIONER OR INDIVIDUAL EMPLOYED BY A HEALTH CARE PRACTITIONER
19 SHALL OBTAIN CONSENT FROM A MINOR'S PARENT OR GUARDIAN BEFORE
20 PROVIDING OR SOLICITING OR ARRANGING TO PROVIDE HEALTH CARE SERVICES OR
21 PRESCRIBE MEDICINAL DRUGS TO A MINOR.

22 (B) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE OWNER OF A HEALTH
23 CARE FACILITY SHALL OBTAIN CONSENT FROM A MINOR'S PARENT OR GUARDIAN
24 BEFORE ALLOWING A MEDICAL PROCEDURE TO BE PERFORMED ON A MINOR AT THE
25 FACILITY.

26 (C) A PERSON WHO VIOLATES THIS SECTION:

27 (1) MAY BE SUBJECT TO DISCIPLINARY ACTION BY THE APPROPRIATE
28 LICENSING BOARD; AND

29 (2) IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT
30 TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR
31 BOTH.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2022.