

HOUSE BILL 953

D4, F1, J1

2lr1373

By: **Delegate Novotny**

Introduced and read first time: February 10, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Parent and Guardian Rights – Education, Health, and Upbringing of Children**

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; requiring each county board to establish and adopt a certain policy
6 regarding the promotion of parent involvement in the public school system; requiring
7 each county board to provide a certain summary of curriculum information to
8 parents or guardians by a certain time and in a certain manner; providing that
9 certain parental rights are reserved to the parents and guardians of minor children
10 in the State and prohibiting the State and other governmental entities from
11 infringing on those rights, except under certain circumstances; and generally
12 relating to the rights of parents and guardians.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 2–204(a) and 3–104
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2021 Supplement)

18 BY adding to
19 Article – Education
20 Section 7–129 and 7–130
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2021 Supplement)

23 BY adding to
24 Article – Family Law
25 Section 5–1501 through 5–1505 to be under the new subtitle “Subtitle 15. Parental
26 Rights”
27 Annotated Code of Maryland
28 (2019 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Education

2–204.

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

(i) A meeting in July; and

(ii) At least three other regular meetings.

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

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

3–104.

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

(b) A county board:

(1) Has perpetual existence;

(2) May sue and be sued; and

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

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

7–129.

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

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

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

4 **(2) A PROCEDURE FOR A PARENT TO LEARN ABOUT THEIR MINOR**
5 **CHILD'S COURSE OF STUDY, INCLUDING THE SOURCE OF ANY SUPPLEMENTAL**
6 **EDUCATION MATERIALS;**

7 **(3) A PROCEDURE FOR A PARENT TO OBJECT TO INSTRUCTIONAL**
8 **MATERIALS AND OTHER MATERIALS, INCLUDING WORKBOOKS AND WORKSHEETS,**
9 **HANDOUTS, SOFTWARE, APPLICATIONS, AND ANY DIGITAL MEDIA MADE AVAILABLE**
10 **TO STUDENTS USED IN THE CLASSROOM;**

11 **(4) A PROCEDURE FOR A PARENT TO LEARN ABOUT THE NATURE AND**
12 **PURPOSE OF CLUBS AND ACTIVITIES OFFERED AT THE MINOR CHILD'S SCHOOL,**
13 **INCLUDING THOSE THAT ARE EXTRACURRICULAR OR PART OF THE SCHOOL**
14 **CURRICULUM; AND**

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

18 **(C) A COUNTY BOARD MAY PROVIDE THE INFORMATION REQUIRED UNDER**
19 **SUBSECTION (B) OF THIS SECTION ELECTRONICALLY OR POST THE INFORMATION**
20 **ON ITS WEBSITE.**

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

24 **(2) A COUNTY SUPERINTENDENT SHALL PROVIDE INFORMATION**
25 **REQUESTED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE PARENT WITHIN**
26 **10 DAYS OF THE DATE THE COUNTY SUPERINTENDENT RECEIVED THE REQUEST.**

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

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

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

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

7-130.

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

Article – Family Law

SUBTITLE 15. PARENTAL RIGHTS.

5-1501.

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

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

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

5-1502.

THE GENERAL ASSEMBLY FINDS THAT:

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

(2) IMPORTANT INFORMATION RELATING TO A MINOR CHILD SHOULD NOT BE WITHHELD, EITHER INADVERTENTLY OR PURPOSEFULLY, FROM THE CHILD'S PARENT, INCLUDING INFORMATION RELATING TO THE CHILD'S HEALTH, WELL-BEING, AND EDUCATION WHILE THE CHILD IS IN THE CUSTODY OF A LOCAL SCHOOL SYSTEM; AND

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

1 **5-1503.**

2 **THE STATE, ANY OF ITS POLITICAL SUBDIVISIONS, ANY OTHER**
3 **GOVERNMENTAL ENTITY, OR ANY OTHER INSTITUTION MAY NOT INFRINGE ON THE**
4 **FUNDAMENTAL RIGHTS OF A PARENT TO DIRECT THE UPBRINGING, EDUCATION,**
5 **HEALTH CARE, AND MENTAL HEALTH OF THE PARENT'S MINOR CHILD WITHOUT**
6 **DEMONSTRATING THAT THE ACTION IS:**

7 **(1) REASONABLE AND NECESSARY TO ACHIEVE A COMPELLING STATE**
8 **INTEREST;**

9 **(2) NARROWLY TAILORED; AND**

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

11 **5-1504.**

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

17 **(1) DIRECT THE EDUCATION AND CARE OF THE CHILD;**

18 **(2) 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 OTHER AVAILABLE**
21 **OPTIONS, AS AUTHORIZED BY LAW;**

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

24 **(4) MAKE HEALTH CARE DECISIONS FOR THE CHILD;**

25 **(5) 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 AND A LAW ENFORCEMENT AGENCY OR OFFICIAL**
28 **REQUESTS THAT THE INFORMATION NOT BE RELEASED;**

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

(7) CONSENT, IN WRITING, BEFORE ANY RECORD OF THE CHILD'S BLOOD OR DNA IS CREATED, STORED, OR SHARED, EXCEPT AS REQUIRED BY GENERAL LAW OR AUTHORIZED PURSUANT TO A COURT ORDER;

(8) CONSENT, IN WRITING, BEFORE THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS MAKES A VIDEO OR VOICE RECORDING OF THE CHILD UNLESS THE RECORDING IS MADE:

(I) DURING OR AS PART OF A COURT PROCEEDING;

(II) AS PART OF A FORENSIC INTERVIEW IN A CRIMINAL OR DEPARTMENT OF HUMAN SERVICES OR LOCAL DEPARTMENT, AS DEFINED IN § 5-701 OF THIS TITLE, INVESTIGATION; OR

(III) TO BE USED SOLELY FOR:

1. A SAFETY DEMONSTRATION, INCLUDING THE MAINTENANCE OF ORDER AND DISCIPLINE IN THE COMMON AREAS OF A SCHOOL OR ON STUDENT TRANSPORTATION VEHICLES;

2. A PURPOSE RELATED TO A LEGITIMATE ACADEMIC OR EXTRACURRICULAR ACTIVITY;

3. A PURPOSE RELATED TO REGULAR CLASSROOM INSTRUCTION;

4. SECURITY OR SURVEILLANCE OF BUILDINGS OR GROUNDS; OR

5. A PHOTO IDENTIFICATION CARD;

(9) BE NOTIFIED PROMPTLY IF AN EMPLOYEE OF THE STATE, ANY OF ITS POLITICAL SUBDIVISIONS, ANY OTHER GOVERNMENTAL ENTITY, OR ANY OTHER INSTITUTION SUSPECTS THAT A CRIMINAL OFFENSE HAS BEEN COMMITTED AGAINST THE CHILD, UNLESS THE INCIDENT HAS FIRST BEEN REPORTED TO LAW ENFORCEMENT, THE DEPARTMENT OF HUMAN SERVICES, OR A LOCAL DEPARTMENT, AS DEFINED IN § 5-701 OF THIS TITLE, AND NOTIFYING THE PARENT WOULD IMPEDE THE INVESTIGATION;

(10) REVIEW STATEWIDE STANDARDIZED ASSESSMENT RESULTS;

1 (11) ENROLL THE CHILD IN GIFTED OR SPECIAL EDUCATION
2 PROGRAMS;

3 (12) INSPECT INSTRUCTIONAL MATERIALS USED BY THE COUNTY
4 BOARD;

5 (13) ACCESS INFORMATION RELATING TO THE COUNTY BOARD'S
6 POLICIES FOR THE PROMOTION OR RETENTION OF STUDENTS, INCLUDING HIGH
7 SCHOOL GRADUATION REQUIREMENTS;

8 (14) RECEIVE A SCHOOL REPORT CARD AND BE INFORMED OF THE
9 CHILD'S ATTENDANCE REQUIREMENTS;

10 (15) ACCESS INFORMATION RELATING TO THE STATE PUBLIC
11 EDUCATION SYSTEM, STATE STANDARDS, REPORT CARD REQUIREMENTS,
12 ATTENDANCE REQUIREMENTS, AND INSTRUCTIONAL MATERIALS REQUIREMENTS;

13 (16) PARTICIPATE IN PARENT-TEACHER ASSOCIATIONS AND
14 ORGANIZATIONS THAT ARE SANCTIONED BY A COUNTY BOARD OR THE STATE
15 DEPARTMENT OF EDUCATION; AND

16 (17) OPT OUT OF ANY COUNTY-LEVEL DATA COLLECTION RELATING TO
17 THE CHILD THAT IS NOT REQUIRED BY LAW.

18 (B) THIS SECTION MAY NOT BE CONSTRUED TO:

19 (1) AUTHORIZE A PARENT OF A MINOR CHILD IN THE STATE TO
20 ENGAGE IN CONDUCT THAT IS UNLAWFUL OR TO ABUSE OR NEGLECT A MINOR CHILD
21 IN VIOLATION OF LAW;

22 (2) CONDONE, AUTHORIZE, APPROVE, OR APPLY TO A PARENTAL
23 ACTION OR DECISION THAT WOULD END LIFE;

24 (3) PROHIBIT A COURT OF COMPETENT JURISDICTION, A LAW
25 ENFORCEMENT OFFICER, OR AN EMPLOYEE OF A GOVERNMENT AGENCY THAT IS
26 RESPONSIBLE FOR CHILD WELFARE FROM ACTING IN THEIR OFFICIAL CAPACITY
27 WITHIN THE REASONABLE AND PRUDENT SCOPE OF THEIR AUTHORITY; OR

28 (4) PROHIBIT A COURT OF COMPETENT JURISDICTION FROM ISSUING
29 AN ORDER THAT IS OTHERWISE AUTHORIZED BY LAW.

30 (C) AN EMPLOYEE OF THE STATE, ANY OF ITS POLITICAL SUBDIVISIONS, OR
31 ANY OTHER GOVERNMENTAL ENTITY THAT ENCOURAGES OR COERCES, OR

1 ATTEMPTS TO ENCOURAGE OR COERCE, A MINOR CHILD TO WITHHOLD
2 INFORMATION FROM THE CHILD'S PARENT MAY BE SUBJECT TO DISCIPLINARY
3 ACTION BY THE APPROPRIATE AUTHORITY.

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

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

9 (E) THIS SUBTITLE MAY NOT BE CONSTRUED TO:

10 (1) PRESCRIBE ALL RIGHTS TO A PARENT OF A MINOR CHILD IN THE
11 STATE; OR

12 (2) APPLY TO A PARENTAL ACTION OR DECISION THAT WOULD END
13 LIFE.

14 5-1505.

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2022.