
A BILL FOR AN ACT

RELATING TO PARENTAL RIGHTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that children are the
2 building blocks of society and that parents and legal guardians
3 play a crucial role in fostering their growth. Additionally, the
4 interest of parents and legal guardians in the care and custody
5 of their children is one of the fundamental liberty interests
6 protected by the Due Process Clause of the Fourteenth Amendment
7 to the United States Constitution. This fundamental liberty
8 interest is rooted in the fundamental right of privacy from
9 interference in making important decisions relating to marriage,
10 family relationships, and child rearing and education. As such,
11 parents have a right and responsibility to be active
12 participants in their children's K-12 education that takes place
13 outside the home.

14 The legislature further finds that current national
15 discourse regarding social issues has created polarizing impacts
16 on educators, school administrators, students, and their
17 families. Notably, the debate on introducing critical race



1 theory teachings in schools, which examines the law's inherent
2 role in facilitating racial inequalities in the United States.
3 Critical race theory has become one of the focal points of
4 conflict between parents and educators, and the controversial
5 nature of its teachings highlights the importance of
6 transparency between the school system and the right for parents
7 to determine what is acceptable to be taught to their children.

8 The purpose of this Act is to establish the "Parents' Bill
9 of Rights," to prohibit the state, its political subdivisions,
10 and any other governmental entity from infringing upon the
11 fundamental rights of a parent to direct the upbringing,
12 education, healthcare, and mental health care of a minor child.

13 SECTION 2. The Hawaii Revised Statutes is amended by
14 adding a new chapter to be appropriately designated and to read
15 as follows:

16 "CHAPTER

17 PARENTAL BILL OF RIGHTS

18 § -A Definitions. For the purpose of this chapter:

19 "Parent" means a person who has legal custody of a minor
20 child as a natural or adoptive parent or a legal guardian.



1 **§ -B Infringement of parental rights.** The state, any of its
2 political subdivisions, any other governmental entity, or any
3 other institution may not infringe on the fundamental rights of
4 a parent to direct the upbringing, education, health care, and
5 mental health of his or her minor child without demonstrating
6 that such action is reasonable and necessary to achieve a
7 compelling state interest and that such action is narrowly
8 tailored and is not otherwise served by a less restrictive
9 means.

10 **§ -C Parental rights.** (a) All parental rights are reserved
11 to the parent of a minor child in the State of Hawaii without
12 obstruction or interference from the State, any of its political
13 subdivisions, any other governmental entity, or any other
14 institution, including, but not limited to, all of the following
15 rights of a parent of a minor child in the State:

16 (1) The right to direct the education and care of his or her
17 minor child.

18 (2) The right to direct the upbringing and the moral or
19 religious training of his or her minor child.

20 (3) The right to apply to enroll his or her minor child in a
21 public school or, as an alternative to public education, a



1 private school, including a religious school, a home
2 education program, or other available options, as
3 authorized by law.

4 (4) The right to access and review all school records relating
5 to his or her minor child.

6 (5) The right to make healthcare decisions for his or her
7 minor child, unless otherwise prohibited by law.

8 (6) The right to access and review all medical records of his
9 or her minor child, unless prohibited by law or if the
10 parent is the subject of an investigation of a crime
11 committed against the minor child and a law enforcement
12 agency or official requests that the information not be
13 released.

14 (7) The right to consent in writing before a biometric scan
15 of his or her minor child is made, shared, or stored.

16 (8) The right to consent in writing before any record of his
17 or her minor child's blood or deoxyribonucleic acid is
18 created, stored, or shared, except as required by general
19 law or authorized pursuant to a court order.

20 (9) The right to consent in writing before the state or any of
21 its political subdivisions makes a video or voice



1 recording of his or her minor child unless such recording
2 is made during or as part of a court proceeding or is made
3 as part of a forensic interview in a criminal
4 investigation or investigation conducted by the Department
5 of Human Services or is to be used solely for the
6 following purposes:

- 7 A. A safety demonstration, including the
8 maintenance of order and discipline in the
9 common areas of a school or on student
10 transportation vehicles;
- 11 B. A purpose related to a legitimate academic
12 or extracurricular activity;
- 13 C. A purpose related to regular classroom
14 instructions;
- 15 D. Security or surveillance of buildings or
16 grounds; or
- 17 E. A photo identification card.

18 (10) The right to be notified promptly if an employee of the
19 state, any of its political subdivisions, any other
20 governmental entity, or any other institution suspects
21 that a criminal offense has been committed against his or



1 her minor child, unless the incident has first been
2 reported to law enforcement or the Department of Children
3 and Families and notifying the parent would impede the
4 investigation.

5 (c) An employee of the state, any of its political subdivisions,
6 or any other governmental entity who encourages or coerces, or
7 attempts to encourage or coerce, a minor child to withhold
8 information from his or her parent may be subject to
9 disciplinary action.

10 **§ -D School district notification on parental rights. (a)**

11 Each district school board shall, in consultation with parents,
12 teachers, and administrators, develop and adopt a policy to
13 promote parental involvement in the public school system. Such
14 policy must include:

15 (1) A plan for parental participation in schools to
16 improve parent and teacher cooperation in such areas as
17 homework, school attendance, and discipline.

18 (2) A procedure for a parent to learn about his or her
19 minor child's course of study, including the source of any
20 supplemental education materials.



1 (3) Procedures for a parent to object to instructional
2 materials and other materials used in the classroom.

3 (4) Procedures for a parent to withdraw his or her minor
4 child from any portion of the department's medically
5 accurate sexuality health education, as defined in Hawaii
6 Revised Statutes Section 321-11.1, if the parent provides
7 a written objection to his or her minor child's
8 participation. Such procedures must provide for a parent
9 to be notified in advance of such course content so that
10 he or she may withdraw his or her minor child from those
11 portions of the course.

12 (5) Procedures for a parent to learn about the nature and
13 purpose of clubs and activities offered at his or her
14 minor child's school, including those that are
15 extracurricular or part of the school curriculum.

16 (6) Procedures for a parent to learn about parental
17 rights and responsibilities under general law, including
18 the following:

19 A. The right to opt his or her minor child out of any
20 portion of sexuality health education classes or
21 programs offered by the department of education.



1 B. A plan to disseminate information about school
2 choice options.

3 C. The right of a parent to exempt his or her minor
4 child from immunizations.

5 D. The right of a parent to review statewide,
6 standardized assessment results.

7 E. The right of a parent to enroll his or her minor
8 child in gifted or special education programs.

9 F. The right of a parent to inspect school district
10 instructional materials.

11 G. The right of a parent to access information
12 relating to the department of education's policies for
13 promotion or retention, including high school
14 graduation requirements.

15 H. The right of a parent to receive a school report
16 card and be informed of his or her minor child's
17 attendance requirements.

18 I. The right of a parent to access information
19 relating to the state public education system, state
20 standards, report card requirements, attendance



1 requirements, and instructional materials
2 requirements.

3 J. The right of a parent to participate in parent-
4 teacher associations and organizations that are
5 sanctioned by the board of education or the department
6 of education.

7 K. The right of a parent to opt out of any district-
8 level data collection relating to his or her minor
9 child not required by law.

10 (b) The board of education may provide the information required
11 in this section electronically or post such information on its
12 website.

13 (c) A parent may request, in writing, from the superintendent of
14 education the information required under this section. Within 10
15 days, the superintendent must provide such information to the
16 parent. If the superintendent denies a parent's request for
17 information or does not respond to the parent's request within
18 10 days, the parent may appeal the denial to the board of
19 education. The board of education must place a parent's appeal
20 on the agenda for its next public meeting. If it is too late for



1 a parent's appeal to appear on the next agenda, the appeal must
2 be included on the agenda for the subsequent meeting.

3 **§ -E Parental consent for health care services.** (a) Except
4 as otherwise provided by law, a health care professional as
5 defined in section 346-53.64 or an individual employed by such
6 health care professional may not provide or solicit or arrange
7 to provide health care services or prescribe medicinal drugs to
8 a minor child without first obtaining written parental consent.

9 (b) Except as otherwise provided by law or a court order, a
10 health care professional may not allow a medical procedure to be
11 performed on a minor child in its facility without first
12 obtaining written parental consent.

13 (c) This section does not apply to an abortion, which is
14 governed by Chapter 453, Hawaii Revised Statutes.

15 (d) This section does not apply to services provided by a
16 clinical laboratory, unless the services are delivered through a
17 direct encounter with the minor at the clinical laboratory
18 facility.

19 (e) A health care professional or other person who violates this
20 section may be subject to disciplinary action.



SECTION 3. Chapter 302A, Hawaii Revised Statutes is amended to read as follows:

"§302A-1156 Exemptions. A child may be exempted from the required immunizations:

(1) If a licensed physician, physician assistant, or advanced practice registered nurse certifies that the physical condition of the child is such that immunizations would endanger the child's life or health; or

(2) If any parent, custodian, guardian, or any other person in loco parentis to a child objects to immunization in writing on the grounds that the immunization conflicts with that person's bona fide religious tenets and practices. Upon showing the appropriate school official satisfactory evidence of the exemption, no certificate or other evidence of immunization shall be required for entry into school.

(3) If any parent, custodian, guardian, or any other person in loco parentis to a child objects to immunization in writing on the grounds that the immunization conflicts with that person's good faith



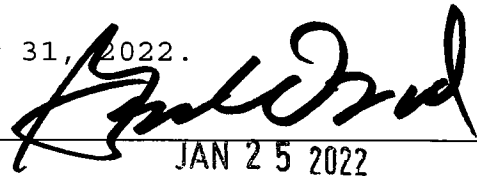
1 objection to the administration of an immunization
2 that has no long-term health studies, or an immunizing
3 substance that has not been in production for at least
4 20 years. "

5 SECTION 4. In codifying the new sections added by section
6 1 of this Act, the revisor of statutes shall substitute
7 appropriate section numbers for the letters used in designating
8 the new sections in this Act.

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act, upon its approval, shall apply to
12 taxable years beginning after December 31, 2022.

INTRODUCED BY: _____


JAN 25 2022



H.B. NO. 2295

Report Title:

Parental Bill of Rights

Description:

Establishes rights of parents and legal guardians of minor children to direct the upbringing, education, health care, and mental health of their minor child.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

