

# ASSEMBLY, No. 531

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

Assemblyman **CHRISTIAN E. BARRANCO**

District 25 (Morris and Somerset)

**SYNOPSIS**

Establishes “Parents’ Bill of Rights.”

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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2

1 AN ACT concerning parents' rights and supplementing Title 9 of the  
2 Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the "Parents' Bill  
8 of Rights."

9

10 2. The Legislature finds and declares that it is a fundamental  
11 right of parents to direct the upbringing, education, and care of their  
12 minor children. The Legislature finds that important information  
13 relating to a minor child should not be withheld, either  
14 inadvertently or purposefully, from the child's parent, including  
15 information relating to the minor child's health, well-being, and  
16 education, while the minor child is in the custody of the school  
17 district. The Legislature finds it is necessary to establish a  
18 consistent mechanism for parents to be notified of information  
19 relating to the health and well-being of their minor children.

20

21 3. As used in this act:

22 "Clinical laboratory" means a laboratory licensed by the  
23 Department of Health, pursuant to the "New Jersey Clinical  
24 Laboratory Improvement Act," P.L.1975, c.166 (C.45:9-11 42.26 et  
25 seq.).

26 "Health care facility" means a health care facility licensed  
27 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.)

28 "Health care provider" means a physician, physician assistant,  
29 nurse, or other health care professional whose professional practice  
30 is regulated pursuant to Title 45 of the Revised Statutes.

31 "Minor child" means a child under the age of 18 years.

32 "Parent" means a person who has legal custody of a minor child  
33 as the biological parent, adoptive parent, or legal guardian.

34

35 4. The State, any of its political subdivisions, any governmental  
36 entity, or any other institution shall not infringe on the fundamental  
37 rights of a parent to direct the upbringing, education, health care  
38 and mental health of the parent's minor child without demonstrating  
39 that such action is reasonable and necessary to achieve a compelling  
40 State interest and that such action is narrowly tailored and is not  
41 otherwise served by a less restrictive means.

42

43 5. a. All rights are reserved to the parent of a minor child in this  
44 State without obstruction or interference from the State, any of its  
45 political subdivisions, any other governmental entity, or any other  
46 institutions, including, but not limited to, all of the following rights  
47 of the parent of a minor child in this State:

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- 1 (1) the right to direct the education and care of the parent's  
2 minor child;
- 3 (2) the right to direct the upbringing and the moral or religious  
4 training of the parent's minor child;
- 5 (3) the right to apply to enroll the parent's minor child in a  
6 public school or, as an alternative to public education, a private  
7 school, including a religious school, a home education program, or  
8 any other available options permitted by law;
- 9 (4) the right to enroll the parent's minor child in a school  
10 outside of the public school system if the school in which the  
11 parent's minor child is currently enrolled in is classified by the  
12 State Department of Education as consistently underperforming, as  
13 that term is defined by the State pursuant to the federal "Every  
14 Student Succeeds Act," Pub.L. 114-95;
- 15 (5) the right to access and review all school records relating to  
16 the minor child;
- 17 (6) the right to make health care decisions for the parent's minor  
18 child, unless otherwise prohibited by law;
- 19 (7) the right to access and review all medical records of the  
20 parent's minor child, unless prohibited by law or if the parent is the  
21 subject of an investigation of a crime committed against the minor  
22 child and a law enforcement agency or official requests that the  
23 information not be released;
- 24 (8) the right to consent in writing before a biometric scan of the  
25 parent's minor child is made, shared, or stored;
- 26 (9) the right to consent in writing before any record of the  
27 parent's minor child's blood or deoxyribonucleic acid is created,  
28 stored, or shared, except as may be required by law or authorized  
29 pursuant to a court order;
- 30 (10) the right to consent in writing before the State or any its  
31 political subdivisions, any governmental entity, or any other  
32 institution make a video or voice recording of the parent's minor  
33 child unless such recording is made during or as part of a court  
34 proceeding or a forensic interview in a criminal or Department of  
35 Children and Families investigation, or to be used solely for the  
36 following purposes:
  - 37 (a) a safety demonstration, including the maintenance of order  
38 and discipline in the common areas of a school or on school  
39 transportation vehicles;
  - 40 (b) a legitimate academic or extracurricular activity;
  - 41 (c) regular classroom instruction;
  - 42 (d) the security or surveillance of buildings or grounds; or
  - 43 (e) a photo identification card; and
- 44 (11) the right to be notified promptly if an employee of the  
45 State, any of its political subdivisions, any other governmental  
46 entity, or any other institutions suspect that a criminal offense has  
47 been committed against the minor child, unless the incident has first  
48 been reported to law enforcement or the Department of Children

1 and Families and notifying the parent would impede the  
2 investigation.

3 b. This section shall not:

4 (1) authorize the parent of a minor child in this State to engage  
5 in conduct that is unlawful or to abuse or neglect the parent's minor  
6 child in violation of any State or federal law;

7 (2) condone, authorize, approve, or apply to a parental action or  
8 decision that would harm or end life;

9 (3) prohibit a court of competent jurisdiction, a law enforcement  
10 officer, or an employee of a government agency that is responsible  
11 for child welfare from acting in their official capacity within the  
12 reasonable and prudent scope of their authority; or

13 (4) prohibit a court of competent jurisdiction from issuing an  
14 order that is otherwise permitted by law.

15 c. An employee of the State, any of its political subdivisions, or  
16 any other governmental entity who encourages or coerces, or  
17 attempts to encourage or coerce, a minor child to withhold  
18 information from the child's parent may be subject to disciplinary  
19 action.

20 d. The parent of a minor child in this State shall have inalienable  
21 rights that are more comprehensive than those listed in this section,  
22 unless such rights have been legally waived or terminated. This act  
23 does not prescribe all the rights to the parent of a minor child in this  
24 State. Unless required by law, the rights of the parent of a minor  
25 child in this State may not be limited or denied. The act shall not  
26 be construed to apply to a parental action or decision that would  
27 harm or end life.

28

29 6. a. Each district board of education shall, in consultation with  
30 the parents, teachers, and administrators in that district, develop and  
31 adopt a policy to promote parental involvement in the district's  
32 public school system. The policy shall include:

33 (1) a plan for parental participation in schools to improve parent  
34 and teacher cooperation in areas such as homework, school  
35 attendance, and discipline;

36 (2) a procedure for the parent to learn about the parent's minor  
37 child's course of study including the source of any supplemental  
38 education materials;

39 (3) procedures for the parent to object to instructional materials  
40 and other materials used in the class, where such objection may be  
41 based on beliefs regarding morality, sex, and religion that such  
42 materials are harmful;

43 (4) procedures for the parent to withdraw the parent's minor  
44 child out of the school district's comprehensive health education  
45 that relates to sex education or instruction regarding sexuality,  
46 sexual orientation, and sexual transitioning, if the parent provides a  
47 written objection to the minor child's participation, and for the  
48 parent to be notified in advance of such course content so that the

- 1 parent may withdraw the parent's minor child from those portions  
2 of the course;
- 3 (5) procedures for the parent to learn about the nature and  
4 purpose of clubs and activities offered at the minor child's school,  
5 including those that are extracurricular or any part of the school  
6 curriculum; and
- 7 (6) procedures for the parent to learn about the rights of parents  
8 including all of the following:
- 9 (a) the right to review information concerning school choice  
10 options including open enrollment;
- 11 (b) the right of the parent to exempt the minor child from  
12 immunizations;
- 13 (c) the right of the parent to review Statewide, standardized  
14 assessment results;
- 15 (d) the right of the parent to enroll the child in gifted or special  
16 education programs if qualified;
- 17 (e) the right of the parent to inspect school district instructional  
18 materials;
- 19 (f) the right of the parent to access information relating to the  
20 school district's policies for promotion or retention including high  
21 school graduation requirements;
- 22 (g) the right of the parent to receive a school report card and be  
23 informed of the minor child's attendance requirements;
- 24 (h) the right of the parent to access information relating to the  
25 State public education system, State standards, report card  
26 requirements, attendance requirements, and instruction materials  
27 requirements;
- 28 (i) the right of the parent to participate in parent-teacher  
29 associations and organizations that are sanctioned by a district  
30 board of education or the Department of Education;
- 31 (j) the right of the parent to enroll the parent's minor child in the  
32 local school within the child's school district; and
- 33 (k) the right of the parent to opt out of any district-level data  
34 collection relating to the minor child not required by law.
- 35 b. Each district board of education shall provide the information  
36 required in this section electronically or post such information on  
37 its Internet website.
- 38 c. The parent of a minor child may request, in writing, from the  
39 school superintendent the information required under this section.  
40 Within 10 days, the school superintendent shall provide such  
41 information to the parent. If the school superintendent denies the  
42 parent's request for information or does not respond to the parent's  
43 request within 10 days, the parent may appeal the denial to the  
44 district board of education. The district board of education shall  
45 place the parent's appeal on the agenda for its next public meeting,  
46 or as soon as practicable, if the agenda can no longer be amended.

1       7. a. Except as otherwise provided by law, a health care  
2 provider shall not provide, solicit, or arrange to provide health care  
3 services or prescribe medicinal drugs to a minor child without first  
4 obtaining written parental consent.

5       b. Except as provided by law or a court order, a health care  
6 facility shall not allow a medical procedure to be performed on a  
7 minor child in its facility without first obtaining written parental  
8 consent.

9       c. This section shall not apply to:

10       (1) the performance of medical or surgical care and procedures  
11 by a hospital, or by a physician licensed to practice medicine and  
12 surgery, in which a married person who is a minor or a pregnant  
13 person who is a minor has provided consent to the care or procedure  
14 pursuant to P.L.1965, c.217 (C.9:17A-1); or

15       (2) services provided by a clinical laboratory, unless the services  
16 are delivered through a direct encounter with a minor child at the  
17 clinical laboratory.

18       e. A health care provider or any other person who violates this  
19 section shall be subject to disciplinary action and shall be guilty of  
20 a misdemeanor.

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22       8. This act shall take effect immediately.

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24

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STATEMENT

26

27       This bill establishes the “Parents’ Bill of Rights.” Under the  
28 provisions of this bill, the Legislature finds and declares that it is a  
29 fundamental right of parents to direct the upbringing, education,  
30 and care of their minor children. The Legislature finds that  
31 important information relating to a minor child should not be  
32 withheld, either inadvertently or purposefully, from the child’s  
33 parent, including information relating to the minor child’s health,  
34 well-being, and education, while the minor child is in the custody of  
35 the school district. The Legislature finds it is necessary to establish  
36 a consistent mechanism for parents to be notified of information  
37 relating to the health and well-being of their minor children.

38       The provides that the State, any of its political subdivisions, any  
39 governmental entity, or any other institution will not infringe on the  
40 fundamental rights of a parent to direct the upbringing, education,  
41 health care and mental health of the parent’s minor child without  
42 demonstrating that such action is reasonable and necessary to  
43 achieve a compelling State interest and that such action is narrowly  
44 tailored and is not otherwise served by a less restrictive means.

45       Under the provisions of the bill, all rights are reserved to the  
46 parent of a minor child in this State, including, but not limited to,  
47 all of the following rights of the parent of a minor child in this  
48 State:

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- 1 (1) the right to direct the education and care of the parent's  
2 minor child;
- 3 (2) the right to direct the upbringing and the moral or religious  
4 training of the parent's minor child;
- 5 (3) the right to apply to enroll the parent's minor child in a  
6 public school or, as an alternative to public education, a private  
7 school, including a religious school, a home education program, or  
8 any other available options permitted by law;
- 9 (4) the right to enroll the parent's minor child in a school  
10 outside of the public school system if the school in which the  
11 parent's minor child is currently enrolled in is classified by the  
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35 Children and Families investigation, or to be used solely for the  
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47 been committed against the minor child, unless the incident has first  
48 been reported to law enforcement or the Department of Children

1 and Families and notifying the parent would impede the  
2 investigation.

3 This bill does not:

4 (1) authorize the parent of a minor child in this State to engage  
5 in conduct that is unlawful or to abuse or neglect the parent's minor  
6 child in violation of any State or federal law;

7 (2) condone, authorize, approve, or apply to a parental action or  
8 decision that would harm or end life;

9 (3) prohibit a court of competent jurisdiction, a law enforcement  
10 officer, or an employee of a government agency that is responsible  
11 for child welfare from acting in their official capacity within the  
12 reasonable and prudent scope of their authority; or

13 (4) prohibit a court of competent jurisdiction from issuing an  
14 order that is otherwise permitted by law.

15 The bill provides that an employee of the State, any of its  
16 political subdivisions, or any other governmental entity who  
17 encourages or coerces, or attempts to encourage or coerce, a minor  
18 child to withhold information from the child's parent may be  
19 subject to disciplinary action. This bill also provides that the parent  
20 of a minor child in this State has inalienable rights that are more  
21 comprehensive than those listed in this bill, unless such rights have  
22 been legally waived or terminated. This bill does not prescribe all  
23 the rights to the parent of a minor child in this State. Unless  
24 required by law, the rights of the parent of a minor child in this  
25 State may not be limited or denied. The bill is not be construed to  
26 apply to a parental action or decision that would harm or end life.

27 This bill requires each district board of education, in consultation  
28 with the parents, teachers, and administrators in that district, to  
29 develop and adopt a policy to promote parental involvement in the  
30 district's public school system. The policy will include:

31 (1) a plan for parental participation in schools to improve parent  
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46 parent to be notified in advance of such course content so that the  
47 parent may withdraw the parent's minor child from those portions  
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2 purpose of clubs and activities offered at the minor child's school,  
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37 superintendent the information required by the bill. Within 10 days,  
38 the school superintendent will provide such information to the  
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40 information or does not respond to the parent's request within 10  
41 days, the parent may appeal the denial to the district board of  
42 education. The district board of education will place the parent's  
43 appeal on the agenda for its next public meeting, or as soon as  
44 practicable, if the agenda can no longer be amended.

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46 care provider from providing, soliciting, or arranging to provide  
47 health care services or prescribe medicinal drugs to a minor child  
48 without first obtaining written parental consent. Except as

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1 otherwise provided by law, the bill prohibits a health care facility  
2 from allowing a medical procedure to be performed on a minor  
3 child in its facility without first obtaining written parental consent.  
4 The provisions of the bill will not apply to the performance of  
5 medical or surgical care and procedures by a hospital, or by a  
6 physician licensed to practice medicine and surgery, on a married  
7 person who is a minor or a pregnant person who is a minor, who has  
8 provided consent to the care or procedure pursuant to P.L.1965,  
9 c.217 (C.9:17A-1). The provisions of the bill will also not apply to  
10 services provided by a clinical laboratory, unless the services are  
11 delivered through a direct encounter with a minor child at the  
12 clinical laboratory. The bill provides that a health care provider or  
13 any other person who violates this bill will be subject to  
14 disciplinary action and will be guilty of a misdemeanor.