

REFERENCE TITLE: school admission; annual parental disclosure

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1583

Introduced by
Senator Wadsack

AN ACT

AMENDING TITLE 15, CHAPTER 8, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-822; RELATING TO SCHOOL ATTENDANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 8, article 2, Arizona Revised
3 Statutes, is amended by adding section 15-822, to read:

4 15-822. Disclosure document; school choice; required
5 information; parental rights; student records;
6 assistance

7 A. EACH YEAR, EACH PUBLIC SCHOOL SHALL PROVIDE TO THE PARENT OR
8 GUARDIAN OF EACH STUDENT ENROLLED IN THE SCHOOL A DOCUMENT THAT DISCLOSES
9 THE FOLLOWING INFORMATION:

10 1. THE LETTER GRADE ASSIGNED TO THE SCHOOL PURSUANT TO SECTION
11 15-241.

12 2. A LIST OF CHARTER SCHOOLS LOCATED WITHIN A REASONABLE DISTANCE
13 FROM THE SCHOOL.

14 3. AN OVERVIEW OF THE ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS
15 PROGRAM, INCLUDING THE AWARD AMOUNT AVAILABLE AND APPROVED EXPENSES.

16 4. THE FOLLOWING WRITTEN NOTICE:

17 YOUR OPTIONS AS AN ARIZONA PARENT
18 FOR EDUCATING YOUR CHILD

19 ARIZONA IS A SCHOOL CHOICE STATE THAT
20 PROVIDES MANY OPTIONS FOR YOU TO EDUCATE YOUR
21 CHILD. UNDER THIS STATE'S LAWS, YOU MAY CHOOSE TO
22 EDUCATE YOUR CHILD IN A SCHOOL DISTRICT, CHARTER
23 SCHOOL, PRIVATE SCHOOL OR HOMESCHOOL. IF YOU
24 CHOOSE TO EDUCATE YOUR CHILD OUTSIDE OF A SCHOOL
25 DISTRICT OR CHARTER SCHOOL, THE DEPARTMENT OF
26 EDUCATION PROVIDES ARIZONA EMPOWERMENT SCHOLARSHIP
27 ACCOUNTS AND NONGOVERNMENTAL ORGANIZATIONS PROVIDE
28 STUDENT TUITION SCHOLARSHIPS TO DEFRAY THE COSTS
29 OF EDUCATING YOUR CHILD.

30 YOUR RIGHTS AS A PARENT

31 IN THIS STATE, THE LIBERTY OF PARENTS TO
32 DIRECT THE UPBRINGING, EDUCATION, HEALTH CARE AND
33 MENTAL HEALTH OF THEIR CHILDREN IS A FUNDAMENTAL
34 RIGHT.

35 THIS STATE, ANY POLITICAL SUBDIVISION OF
36 THIS STATE OR ANY OTHER GOVERNMENTAL ENTITY MAY
37 NOT INFRINGE ON THE RIGHTS OF PARENTS WITHOUT
38 DEMONSTRATING THAT THE COMPELLING GOVERNMENTAL
39 INTEREST AS APPLIED TO THE CHILD INVOLVED IS OF
40 THE HIGHEST ORDER, IS NARROWLY TAILORED AND IS NOT
41 OTHERWISE SERVED BY A LESS RESTRICTIVE MEANS.

42 ALL PARENTAL RIGHTS ARE EXCLUSIVELY RESERVED
43 TO EACH PARENT OF A MINOR CHILD WITHOUT
44 OBSTRUCTION OR INTERFERENCE FROM THIS STATE, ANY
45 POLITICAL SUBDIVISION OF THIS STATE, ANY OTHER

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GOVERNMENTAL ENTITY OR ANY OTHER INSTITUTION,
INCLUDING:

1. THE RIGHT TO DIRECT THE EDUCATION OF THE
MINOR CHILD.

2. ALL RIGHTS OF PARENTS IDENTIFIED IN
TITLE 15, ARIZONA REVISED STATUTES, INCLUDING THE
RIGHT TO ACCESS AND REVIEW ALL RECORDS RELATING TO
THE MINOR CHILD.

3. THE RIGHT TO DIRECT THE UPBRINGING OF
THE MINOR CHILD.

4. THE RIGHT TO DIRECT THE MORAL OR
RELIGIOUS TRAINING OF THE MINOR CHILD.

5. THE RIGHT TO MAKE ALL HEALTH CARE
DECISIONS FOR THE MINOR CHILD, UNLESS OTHERWISE
PROHIBITED BY LAW.

6. THE RIGHT TO REQUEST, ACCESS AND REVIEW
ALL WRITTEN AND ELECTRONIC MEDICAL RECORDS OF THE
MINOR CHILD, UNLESS OTHERWISE PROHIBITED BY LAW OR
UNLESS THE PARENT IS THE SUBJECT OF AN
INVESTIGATION OF A CRIME COMMITTED AGAINST THE
MINOR CHILD AND A LAW ENFORCEMENT OFFICIAL
REQUESTS THAT THE INFORMATION NOT BE RELEASED.

7. THE RIGHT TO CONSENT IN WRITING BEFORE A
BIOMETRIC SCAN OF THE MINOR CHILD IS MADE.

8. THE RIGHT TO CONSENT IN WRITING BEFORE
ANY RECORD OF THE MINOR CHILD'S BLOOD OR DNA IS
CREATED, STORED OR SHARED, EXCEPT AS REQUIRED BY
THE NEWBORN SCREENING PROGRAM ESTABLISHED PURSUANT
TO SECTION 36-694, ARIZONA REVISED STATUTES, OR
BEFORE ANY GENETIC TESTING IS CONDUCTED ON THE
MINOR CHILD, UNLESS AUTHORIZED PURSUANT TO A COURT
ORDER OR CONDUCTED ON A JUVENILE WHO IS COMMITTED
TO THE DEPARTMENT OF JUVENILE CORRECTIONS.

9. THE RIGHT TO CONSENT IN WRITING BEFORE
THIS STATE OR ANY OF ITS POLITICAL SUBDIVISIONS
MAKES A VIDEO OR VOICE RECORDING OF THE MINOR
CHILD, UNLESS THE VIDEO OR VOICE RECORDING IS MADE
DURING OR AS A PART OF A COURT PROCEEDING, BY LAW
ENFORCEMENT OFFICERS DURING OR AS PART OF A LAW
ENFORCEMENT INVESTIGATION, DURING OR AS PART OF AN
INTERVIEW IN A CRIMINAL OR CHILD SAFETY SERVICES
INVESTIGATION OR TO BE USED SOLELY FOR ANY OF THE
FOLLOWING:

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(a) A SAFETY DEMONSTRATION, INCLUDING THE MAINTENANCE OF ORDER AND DISCIPLINE IN THE COMMON AREAS OF A SCHOOL OR ON PUPIL TRANSPORTATION VEHICLES.

(b) A PURPOSE RELATED TO A LEGITIMATE ACADEMIC OR EXTRACURRICULAR ACTIVITY.

(c) A PURPOSE RELATED TO REGULAR CLASSROOM INSTRUCTION.

(d) THE SECURITY OR SURVEILLANCE OF BUILDINGS OR GROUNDS.

(e) A PHOTO IDENTIFICATION CARD.

10. THE RIGHT TO BE NOTIFIED PROMPTLY IF AN EMPLOYEE OF THIS STATE, ANY POLITICAL SUBDIVISION OF THIS STATE, ANY OTHER GOVERNMENTAL ENTITY OR ANY OTHER INSTITUTION SUSPECTS THAT A CRIMINAL OFFENSE HAS BEEN COMMITTED AGAINST THE MINOR CHILD BY SOMEONE OTHER THAN A PARENT, UNLESS THE INCIDENT HAS FIRST BEEN REPORTED TO LAW ENFORCEMENT AND NOTIFYING THE PARENT WOULD IMPEDE A LAW ENFORCEMENT OR CHILD SAFETY SERVICES INVESTIGATION. THIS PARAGRAPH DOES NOT CREATE ANY NEW OBLIGATION FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS TO REPORT MISCONDUCT BETWEEN STUDENTS AT SCHOOL, SUCH AS FIGHTING OR AGGRESSIVE PLAY, THAT IS ROUTINELY ADDRESSED AS A STUDENT DISCIPLINARY MATTER BY THE SCHOOL.

11. THE RIGHT TO OBTAIN INFORMATION ABOUT A CHILD SAFETY SERVICES INVESTIGATION INVOLVING THE PARENT.

PARENTAL RIGHTS DO NOT AUTHORIZE OR ALLOW A PARENT TO ENGAGE IN CONDUCT THAT IS UNLAWFUL OR TO ABUSE OR NEGLECT A CHILD IN VIOLATION OF THE LAWS OF THIS STATE. PARENTAL RIGHTS DO NOT PROHIBIT COURTS, LAW ENFORCEMENT OFFICERS OR EMPLOYEES OF A GOVERNMENT AGENCY RESPONSIBLE FOR CHILD WELFARE FROM ACTING IN THEIR OFFICIAL CAPACITY WITHIN THE SCOPE OF THEIR AUTHORITY. PARENTAL RIGHTS DO NOT PROHIBIT A COURT FROM ISSUING AN ORDER THAT IS OTHERWISE ALLOWED BY LAW.

ANY ATTEMPT TO ENCOURAGE OR COERCE A MINOR CHILD TO WITHHOLD INFORMATION FROM THE CHILD'S PARENT IS GROUNDS FOR DISCIPLINE OF AN EMPLOYEE OF THIS STATE, ANY POLITICAL SUBDIVISION OF THIS STATE, ANY OTHER GOVERNMENTAL ENTITY OR ANY OTHER INSTITUTION, EXCEPT FOR LAW ENFORCEMENT PERSONNEL.

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UNLESS THOSE RIGHTS HAVE BEEN LEGALLY WAIVED OR LEGALLY TERMINATED, PARENTS HAVE INALIENABLE RIGHTS THAT ARE MORE COMPREHENSIVE THAN THOSE LISTED IN THIS NOTICE. THIS NOTICE DOES NOT PRESCRIBE ALL RIGHTS OF PARENTS OR PREEMPT OR FORECLOSE CLAIMS OR REMEDIES IN SUPPORT OF PARENTAL RIGHTS THAT ARE AVAILABLE UNDER THE CONSTITUTION, STATUTES OR COMMON LAW OF THIS STATE. UNLESS OTHERWISE REQUIRED BY LAW, THE RIGHTS OF PARENTS OF MINOR CHILDREN MAY NOT BE LIMITED OR DENIED.

EXCEPT AS DESCRIBED BELOW, THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE OR ANY OTHER GOVERNMENTAL ENTITY, OR ANY OFFICIAL OF THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE OR ANY OTHER GOVERNMENTAL ENTITY ACTING UNDER COLOR OF LAW, MAY NOT INTERFERE WITH OR USURP THE FUNDAMENTAL RIGHT OF PARENTS TO DIRECT THE UPBRINGING, EDUCATION, HEALTH CARE AND MENTAL HEALTH OF THEIR CHILDREN. A PARENT MAY BRING SUIT AGAINST A GOVERNMENTAL ENTITY OR OFFICIAL BASED ON ANY VIOLATION OF PARENTS' STATUTORY RIGHTS OR ANY OTHER ACTION THAT INTERFERES WITH OR USURPS THE FUNDAMENTAL RIGHT OF PARENTS TO DIRECT THE UPBRINGING, EDUCATION, HEALTH CARE AND MENTAL HEALTH OF THEIR CHILDREN IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE VIOLATION OR OTHER ACTION OCCURS OR IN FEDERAL COURT, IF AUTHORIZED BY FEDERAL LAW, OR BEFORE AN ADMINISTRATIVE TRIBUNAL OF APPROPRIATE JURISDICTION. A PARENT MAY RAISE A VIOLATION OF PARENTAL RIGHTS AS A CLAIM OR A DEFENSE.

IN ANY ACTION BROUGHT AGAINST A GOVERNMENTAL ENTITY OR OFFICIAL BASED ON A VIOLATION OF PARENTS' STATUTORY RIGHTS OR INTERFERENCE WITH PARENTS' FUNDAMENTAL RIGHTS TO DIRECT THE UPBRINGING, EDUCATION, HEALTH CARE AND MENTAL HEALTH OF THEIR CHILDREN, THE GOVERNMENTAL ENTITY OR OFFICIAL HAS THE BURDEN OF PROOF TO DEMONSTRATE BOTH OF THE FOLLOWING:

1. THAT THE INTERFERENCE OR USURPATION IS ESSENTIAL TO ACCOMPLISH A COMPELLING GOVERNMENTAL INTEREST OF THE HIGHEST ORDER, AS LONG RECOGNIZED IN THE HISTORY AND TRADITIONS OF THIS STATE IN THE OPERATION OF ITS REGULATORY POWERS.

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2. THAT THE METHOD OF INTERFERENCE OR USURPATION USED BY THE GOVERNMENT IS NARROWLY TAILORED AND IS NOT OTHERWISE SERVED BY A LESS RESTRICTIVE MEANS.

A GOVERNMENTAL ENTITY OR OFFICIAL MAY INTERFERE WITH OR USURP THE FUNDAMENTAL RIGHT OF PARENTS TO DIRECT THE UPBRINGING, EDUCATION, HEALTH CARE AND MENTAL HEALTH OF THEIR CHILDREN ONLY IF THE GOVERNMENTAL ENTITY OR OFFICIAL SUCCESSFULLY DEMONSTRATES BOTH OF THE ELEMENTS DESCRIBED ABOVE. IF THE GOVERNMENTAL ENTITY OR OFFICIAL IS UNSUCCESSFUL, THE COURT SHALL GRANT APPROPRIATE RELIEF, SUCH AS DECLARATORY OR INJUNCTIVE RELIEF, COMPENSATORY DAMAGES AND ATTORNEY FEES, BASED ON THE FACTS OF THE CASE AND THE LAW AS APPLIED TO THE FACTS.

B. THE DISCLOSURE DOCUMENT SHALL PROVIDE ALL OF THE FOLLOWING:

1. AN AREA FOR THE PARENT OR GUARDIAN TO INITIAL AFTER EACH DISCLOSURE REQUIRED BY SUBSECTION A OF THIS SECTION.

2. AN AREA FOR THE PARENT OR GUARDIAN TO SIGN THE DOCUMENT TO ACKNOWLEDGE THAT THE PARENT OR GUARDIAN RECEIVED AND UNDERSTOOD THE DOCUMENT.

3. A PHONE NUMBER FOR THE DEPARTMENT OF EDUCATION.

C. THE SCHOOL SHALL FILE THE INITIALED AND SIGNED DOCUMENT IN THE STUDENT'S PERMANENT FILE EACH YEAR AND PROVIDE A COPY TO THE PARENT OR GUARDIAN.

D. THE SCHOOL SHALL ASSIST ANY PARENT OR GUARDIAN WHO CHOOSES TO PURSUE ADMITTANCE TO A CHARTER SCHOOL OR TO PARTICIPATE IN THE ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS PROGRAM AFTER RECEIVING THE DISCLOSURE DOCUMENT REQUIRED BY THIS SECTION.