
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 parents and legal guardians play
3 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 protected by the Due Process Clause of the
6 Fourteenth Amendment to the United States Constitution. This
7 fundamental liberty interest is rooted in the right of privacy
8 from interference in making important decisions relating to
9 child rearing and education. As such, parents have a right and
10 responsibility to be active participants in their children's K-
11 12 education that takes place outside the home.

12 The purpose of this Act is to establish the rights of
13 parents and legal guardians to direct the upbringing, education,
14 health care, and mental health of their minor child and prohibit
15 the state, its political subdivisions, and any other
16 governmental entity from infringing upon the fundamental rights



1 of a parent to direct the upbringing, education, healthcare, and
2 mental health care of a minor child.

3 SECTION 2. The Hawaii Revised Statutes is amended by
4 adding a new chapter to be appropriately designated and to read
5 as follows:

6 "CHAPTER

7 OHANA BILL OF RIGHTS

8 § - Definitions. For the purpose of this chapter:

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

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

17 (1) The right to direct the education and care of their
18 minor child;

19 (2) The right to direct the upbringing and the moral or
20 religious training of their minor child;



H.B. NO. 1715

- 1 (3) The right to apply to enroll their minor child in a
2 public school or, as an alternative to public
3 education, a private school, including a religious
4 school, a home education program, or other available
5 options, as authorized by law;
- 6 (4) The right to access and review all school records
7 relating to their minor child;
- 8 (5) The right to make healthcare decisions for their minor
9 child, unless otherwise prohibited by law;
- 10 (6) The right to access and review all medical records of
11 his or her minor child, unless prohibited by law or if
12 the parent is the subject of an investigation of a
13 crime committed against the minor child and a law
14 enforcement agency or official requests that the
15 information not be released;
- 16 (7) The right to consent in writing before a biometric
17 scan of their minor child is made, shared, or stored;
- 18 (8) The right to consent in writing before any record of
19 his or her minor child's blood or deoxyribonucleic
20 acid is created, stored, or shared, except as required



1 by general law or authorized pursuant to a court
2 order;

3 (9) The right to consent in writing before the state or
4 any of its political subdivisions makes a video or
5 voice recording of his or her minor child unless such
6 recording is made during or as part of a court
7 proceeding or is made as part of a forensic interview
8 in a criminal investigation or investigation conducted
9 by the Department of Human Services or is to be used
10 solely for the following purposes:

11 (A) A safety demonstration, including the maintenance
12 of order and discipline in the common areas of a
13 school or on student transportation vehicles;

14 (B) A purpose related to a legitimate academic or
15 extracurricular activity;

16 (C) A purpose related to regular classroom
17 instructions;

18 (D) Security or surveillance of buildings or grounds;
19 or

20 (E) A photo identification card;



1 (10) The right to be notified promptly if an employee of
2 the state, any of its political subdivisions, any
3 other governmental entity, or any other institution
4 suspects that a criminal offense has been committed
5 against his or her minor child, unless the incident
6 has first been reported to law enforcement or the
7 Department of Children and Families and notifying the
8 parent would impede the investigation; and

9 (11) The right to consent in writing before their minor
10 child receives counseling or other mental health
11 services.

12 (b) An employee of the state, any of its political
13 subdivisions, or any other governmental entity who encourages or
14 coerces, or attempts to encourage or coerce, a minor child to
15 withhold information from their parent may be subject to
16 disciplinary action.

17 § - **School district notification on parental rights.** (a)
18 Each district school board shall, in consultation with parents,
19 teachers, and administrators, develop and adopt a policy to
20 promote parental involvement in the public school system. Such
21 policy must include:



H.B. NO. 1715

- 1 (1) A plan for parental participation in schools to
2 improve parent and teacher cooperation in such areas
3 as homework, school attendance, and discipline;
- 4 (2) A procedure for a parent to learn about their minor
5 child's course of study, including the source of any
6 supplemental education materials;
- 7 (3) Procedures for a parent to object to instructional
8 materials and other materials used in the classroom;
- 9 (4) Procedures for a parent to withdraw their minor child
10 from any portion of the department's medically
11 accurate sexuality health education, as defined in
12 Hawaii Revised Statutes Section 321-11.1, if the
13 parent provides a written objection to their minor
14 child's participation. Such procedures must provide
15 for a parent to be notified in advance of such course
16 content so that he or she may withdraw their minor
17 child from those portions of the course;
- 18 (5) Procedures for a parent to learn about the nature and
19 purpose of clubs and activities offered at their minor
20 child's school, including those that are
21 extracurricular or part of the school curriculum;



H.B. NO. 1715

- 1 (6) A plan to disseminate information about school choice
2 options; and
- 3 (7) Procedures for a parent to learn about parental rights
4 and responsibilities under general law, including the
5 following:
- 6 (A) The right of a parent to provide their consent
7 prior to their child participating in any portion
8 of sexuality health education classes or programs
9 offered by the department of education;
- 10 (B) The right of a parent to exempt their minor child
11 from immunizations;
- 12 (C) The right of a parent to review statewide,
13 standardized assessment results;
- 14 (D) The right to know if their child is not grade
15 level proficient in reading at the end of third
16 grade;
- 17 (E) The right of a parent to request, at any point in
18 time, an assessment of their minor child for
19 gifted or special education programs;
- 20 (F) The right of a parent to inspect school district
21 instructional materials;



H.B. NO. 1715

- 1 (G) The right of a parent to access information
2 relating to the department of education's
3 policies for promotion or retention, including
4 high school graduation requirements;
- 5 (H) The right of a parent to receive a school report
6 card and be informed of his or her minor child's
7 attendance requirements;
- 8 (I) The right of a parent to access information
9 relating to the state public education system,
10 state standards, report card requirements,
11 attendance requirements, and instructional
12 materials requirements;
- 13 (J) The right of a parent to participate in parent-
14 teacher associations and organizations that are
15 sanctioned by the board of education or the
16 department of education;
- 17 (K) The right of a parent to opt out of any district-
18 level data collection relating to their minor
19 child not required by law;
- 20 (L) The right to a list of books and other reading
21 materials contained in the library of their



H.B. NO. 1715

- 1 child's school and the right to inspect those
2 books and other reading materials;
- 3 (M) The right to know if a child requests to change
4 their gender markers, pronouns, or preferred name
5 or to use accommodations, including locker rooms
6 and bathrooms, that are not according to the
7 child's biological sex;
- 8 (N) The right to notice before an individual,
9 organization, or other entity address a class,
10 school assembly, or other school sponsored event;
- 11 (O) The right to know if any employee, contractor, or
12 child brings a weapon to school;
- 13 (P) The right to know if their child's school
14 operates, sponsors, or facilitates athletic
15 programs or activities that permit an individual
16 whose biological sex is male to participate in an
17 athletic program or activity that is designated
18 for individuals whose biological sex is female,
19 without violating existing protection under law;
- 20 (Q) The right to review professional development
21 materials and events; and



1 (R) The right to know if an employee or contractor
2 treats, advises, or addresses the following
3 pertaining to their child:

4 (i) cyberbullying of a student;

5 (ii) bullying or hazing a student;

6 (iii) a student's mental health, suicidal
7 ideation, or instances of self-harm;

8 (iv) a specific threat to the safety of a
9 student;

10 (v) the possession or use of drugs and other
11 controlled substances; or

12 (vi) an eating disorder.

13 (b) The board of education may provide the information
14 required in this section electronically or post such information
15 on its website.

16 (c) A parent may request, in writing, from the
17 superintendent of education the information required under this
18 section. Within ten days, the superintendent must provide such
19 information to the parent. If the superintendent denies a
20 parent's request for information or does not respond to the
21 parent's request within ten days, the parent may appeal the



1 denial to the board of education. The board of education must
2 place a parent's appeal on the agenda for its next public
3 meeting. If it is too late for a parent's appeal to appear on
4 the next agenda, the appeal must be included on the agenda for
5 the subsequent meeting.

6 § - Parental consent for health care services. (a)

7 Except as otherwise provided by law, a health care professional
8 as defined in section 346-53.64 or an individual employed by
9 such health care professional may not provide or solicit or
10 arrange to provide health care services or prescribe medicinal
11 drugs to a minor child without first obtaining written parental
12 consent.

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

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

19 (d) This section does not apply to services provided by a
20 clinical laboratory, unless the services are delivered through a



1 direct encounter with the minor at the clinical laboratory
2 facility.

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

5 SECTION 3. Section 302A-1156, Hawaii Revised Statutes is
6 amended to read as follows:

7 "§302A-1156 Exemptions. A child may be exempted from the
8 required immunizations:

9 (1) If a licensed physician, physician assistant, or
10 advanced practice registered nurse certifies that the
11 physical condition of the child is such that
12 immunizations would endanger the child's life or
13 health; [ex]

14 (2) If any parent, custodian, guardian, or any other
15 person in loco parentis to a child objects to
16 immunization in writing on the grounds that the
17 immunization conflicts with that person's bona fide
18 religious tenets and practices. Upon showing the
19 appropriate school official satisfactory evidence of
20 the exemption, no certificate or other evidence of



H.B. NO. 1715

1 immunization shall be required for entry into
 2 school[-]; or
 3 (3) If any parent, custodian, guardian, or any other
 4 person in loco parentis to a child objects to
 5 immunization in writing on the grounds that the
 6 immunization conflicts with that person's good faith
 7 objection to the administration of an immunization
 8 that has no long-term health studies, or an immunizing
 9 substance that has not been in production for at least
 10 twenty years."

11 SECTION 4. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.
 14

INTRODUCED BY: *[Signature]*
Jan M. White
[Signature]
[Signature]
[Signature]

15

H.B. NO. 1715

Report Title:

Minority Caucus Package; Parental Rights; Education

Description:

Establishes the Ohana Bill of Rights for 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.

