

SB 190 -- Redline

Engrossed to Engrossed -- codify the rights of a parent.

Deletions ~~struck~~ · Insertions underlined

~~26.713.11~~26.713.12 101st Legislative Session 190 South Dakota Legislature Senate Bill 190 ~~SENATE~~HOUSE
STATE AFFAIRS ENGROSSED Introduced by:

Senator Grove An Act to ~~provide~~codify for the rights of a parent.

A state agency or any political subdivision of this state may not substantially burden the fundamental right of a parent to direct the upbringing, education, health care, and mental health of the parent's minor child, without demonstrating that the burden imposed on the parent is required by a compelling governmental interest as applied to the parent and the parent's minor child and is the least restrictive means for furthering that compelling governmental interest.

~~A~~The right of a parent ~~has~~with regard to the parent's minor child include the right to:

(6) Access and review all written and electronic educational records relating to the parent's minor child, which are in the possession of a ~~school;~~school, as provided in section 7 of this Act;

~~(9) Be notified promptly if an employee of the state reasonably believes that abuse, neglect, or other criminal offense has been committed against the parent's minor~~ Overstrikes indicate deleted language.

~~26.713.11~~26.713.12 2 190 (9) Be notified promptly if an employee of the state reasonably believes that abuse, neglect, or other criminal offense has been committed against the parent's minor child by someone other than the parent, unless doing so would interfere with a criminal or other investigation;

~~No~~Except ~~employee of this state or a political subdivision of the state, except~~ for a law enforcement officer in the conduct of a criminal ~~investigation,~~investigation may or encourage as or otherwise ~~coerce~~provided by minor law, child an to employee withhold of information this from state or a political subdivision of the minor state child's may parent not;

~~Except (1) as~~Encourage ~~otherwise or provided~~coerce by law, ~~no employee of this state may withhold from a minor child's~~child ~~parent information that is relevant to the~~withhold physical, information emotional, from or mental health of the parent's minor child, child's parent;

~~or (2) Withhold from a minor child's parent information that is relevant to the physical, emotional, or mental health of the parent's minor child.~~

~~Except~~Overstrikes ~~as indicate provided deleted in language. section 5 of this Act, a person, private entity, state agency, political subdivision of this state, or employee of a state agency or political subdivision must obtain the consent of a minor child's parent before:~~

26.713.12 3 190 Except as provided in section 5 of this Act, a person, private entity, state agency, political subdivision of this state, or employee of a state agency or political subdivision must obtain the consent of a minor child's parent before:

~~Overstrikes (b) indicate~~A deleted medical language, examination of the minor child;

~~26.713.11 3 190 (b) A medical examination of the minor child;~~

A parent may provide a person, entity, state agency, political subdivision of this state, or employee of a state agency or political subdivision ~~blanket~~written, informed consent to perform an action requiring consent, pursuant to this section.

~~The~~Overstrikes ~~board indicate of deleted a language. school district, shall, in consultation with parents, teachers, and administrators, adopt a policy to promote the involvement of parents of minor children enrolled in the school district.~~

26.713.12 4 190 The board of a school district, shall, in consultation with parents, teachers, and administrators, adopt a policy to promote the involvement of parents of minor children enrolled in the school district.

~~Overstrikes (a) indicate~~Reviews deleted the language. curriculum offered to the parent's minor child or is otherwise informed about the course of study provided to the parent's minor child;

~~26.713.11 4 190 (a) Reviews the curriculum offered to the parent's minor child or is otherwise informed about the course of study provided to the parent's minor child;~~

(d) Is notified of, and consents to having the parent's minor child receive, any instruction in or presentation on human sexuality, human sexual behavior, gender an understanding of an individual's identity disconnected from or inconsistent with the biological reality of an individual's sex, or the idea that an individual is able to identify with a gender that corresponds to an individual's internal and subjective sense of self, disconnected from the biological reality of the minor's sex;

~~A~~Except as provided in Sec. 26-8A-13, a school district shall allow the parent of a minor child enrolled in the school district to access all written and electronic records concerning the parent's minor child that are in the possession of the school district, a district employee, or other person hired, contracted, or authorized by the school district to provide services to the parent's minor child.

~~Section~~Overstrikes 8- indicate deleted language.

26.713.12 5 190 Section 8.

~~An~~ Except as provided in Sec. 26-8A-13, an employee of a school district may not withhold or conceal information from or facilitate, encourage, or coerce a minor child to withhold or conceal information from, the minor child's parent about the minor child's:

or ~~Overstrikes~~ (3) indicate ~~Purported deleted~~ identification language with a gender that corresponds to the minor child's internal and subjective sense of self, disconnected from the biological reality of the minor child's sex.

~~26.713.11 5 190 (3) Purported identification with a gender that corresponds to the minor child's internal and subjective sense of self, disconnected from the biological reality of the minor child's sex.~~

For the purposes of sections 6 to 9, inclusive, of this Act, "school district" does not include any public institution of higher education, provided that the parent of a minor child retains the parent's rights under this Act and any other applicable federal law, as applied ~~to~~ Overstrikes a indicate ~~school deleted~~ district, language. ~~if the parent's child is enrolled in a dual enrollment course offered by the school district and a public institution of higher education.~~

26.713.12 6 190 to a school district, if the parent's child is enrolled in a dual enrollment course offered by the school district and a public institution of higher education.

~~Overstrikes~~ A indicate ~~parent deleted~~ may language. bring suit for a violation of this chapter and may raise this chapter as a defense in any judicial or administrative proceeding, without regard to whether the proceeding is brought by or in the name of the state, a private person, or other party.

~~26.713.11 6 190 A parent may bring suit for a violation of this chapter and may raise this chapter as a defense in any judicial or administrative proceeding, without regard to whether the proceeding is brought by or in the name of the state, a private person, or other party.~~