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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4827

04/26/2022 Authored by Franson, Erickson, Robbins, Dettmer, Lucero and others
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; providing for student welfare and parental awareness in
1.3 education; proposing coding for new law in Minnesota Statutes, chapter 121A.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. CITATION.

1.6 This act may be cited as the "Parental Rights Awareness Act."

1.7 Sec. 2. [121A.216] STUDENT WELFARE.

1.8 Subdivision 1. Procedures. A school district must adopt procedures for notifying a
1.9 student's parent of a significant change in the student's health care services or monitoring
1.10 related to the student's mental, emotional, or physical health or well-being and the school's
1.11 ability to provide a safe and supportive learning environment for the student. The procedures
1.12 must reinforce the fundamental right of a parent to make decisions regarding the upbringing
1.13 and control of their child by requiring school district personnel to encourage a student to
1.14 discuss issues relating to the student's well-being with a parent. The procedures may not
1.15 prohibit a parent from accessing any of their child's educational and health records created,
1.16 maintained, or used by the school district.

1.17 Subd. 2. Notification. A school district may not adopt procedures or student support
1.18 forms that prohibit school district personnel from notifying a parent about their child's
1.19 mental, emotional, or physical health or well-being, or a change in related services or
1.20 monitoring, or procedures that encourage or have the effect of encouraging a student to
1.21 withhold information from a parent. School district personnel may not discourage or prohibit
1.22 parental notification of and involvement in critical decision-making affecting their child's

2.1 mental, emotional, or physical health or well-being. This subdivision does not prohibit a
2.2 school district from adopting procedures that permit school personnel to withhold information
2.3 from a parent if a reasonably prudent person would believe that disclosure would result in
2.4 abuse, abandonment, or neglect of a child.

2.5 Subd. 3. **Health education.** Classroom instruction by school personnel or third parties
2.6 on sexual orientation or gender identity may not occur in kindergarten through grade 3 or
2.7 in a manner that is not age-appropriate or developmentally appropriate for students in
2.8 accordance with locally adopted standards and state law.

2.9 Subd. 4. **Student support services.** Student support services training developed or
2.10 provided by a school district to school district personnel must adhere to student services
2.11 guidelines, standards, and frameworks established by the Department of Education.

2.12 Subd. 5. **School health care services.** At the beginning of each school year, each school
2.13 must notify parents of health care services offered at the school, including school health
2.14 services under section 121A.21, and the option to withhold consent to services or decline
2.15 any specific service. Parental consent to a school health care service does not waive the
2.16 parent's right to access their child's educational or health records or to be notified about a
2.17 change in their child's health care services or monitoring as provided by this subdivision.

2.18 Subd. 6. **Health screenings.** Before administering a health screening under sections
2.19 121A.16 to 121A.19, a student well-being questionnaire, or a health screening form to a
2.20 student in kindergarten through grade 3, the school district must provide the questionnaire
2.21 or health screening form to the student's parent and obtain permission of the parent to
2.22 administer the screening.

2.23 Subd. 7. **Procedures for resolving concerns.** (a) Each school district must adopt
2.24 procedures for a parent to notify the school principal or the principal's designee regarding
2.25 concerns under this section at their child's school and the process for resolving those concerns
2.26 within seven calendar days after notification by a parent.

2.27 (b) At a minimum, the procedures must require that within 30 days after notification by
2.28 a parent that the concern remains unresolved, the school district must either resolve the
2.29 concern or provide a statement of the reasons for not resolving the concern.

2.30 (c) If a concern is not resolved by the school district within 30 days, a parent may:

2.31 (1) request the commissioner of education to resolve the dispute;

3.1 (2) if not resolved by the commissioner within 30 days after request by a parent, bring
3.2 an action before an administrative law judge from the Office of Administrative Hearings;
3.3 or

3.4 (3) appeal the decision of the administrative law judge to the district court within 30
3.5 days of receiving a decision from the Office of Administrative Hearings.

3.6 (d) Each school district must adopt policies to notify parents of the procedures under
3.7 this subdivision.

3.8 **Sec. 3. REVIEW REQUIRED.**

3.9 By June 30, 2023, the Department of Education in conjunction with the Professional
3.10 Educator Licensing and Standards Board must review and update, as necessary, school
3.11 counseling frameworks and standards; educator practices and professional conduct principles;
3.12 and any other student services personnel guidelines, standards, or frameworks in accordance
3.13 with the requirements of this act.