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MEMORANDUM

To: Chairperson Thomas
Members of the House Committee on Education

From: The Office of Revisor of Statutes

Date: February 8, 2023

Subject: HB 2236 – Parental rights to direct the education, upbringing, and moral or religious training of their child.

House Bill No. 2236 (HB 2236) would create new law codifying the right of each parent to direct the education, upbringing, and moral or religious training of their child. Such right has been held by the United States Supreme Court to be a fundamental right protected by the Due Process Clause of the 14th Amendment. HB 2236 provides that such right may be freely exercised by parents of children enrolled in a school district and directs local boards of education to adopt policies and procedures to guarantee such free exercise. HB 2236 also provides parents with the authority to withdraw their child from any class or educational program that utilizes materials or activities the parent believes are harmful to the child or impair the parent’s sincerely held beliefs, values, or principles. Such withdraw can have not adverse effect on the child’s academic record.

HB 2236 defines “materials” to include curriculum, books and other reading materials, videos and other digital materials, websites and other online information, and any other material provided to students for instruction. The bill also defines “activities” to include all presentations, lectures, assemblies, and other events facilitated by the school. “Activities” does not include student presentations.

If enacted, HB 2236 would become effective on July 1, 2023.