

FAMILY ISSUES FACT SHEET

No. 2024-03 (January 2024)

HB 2657 PARENTS' RIGHTS; MENTAL; PHYSICAL HEALTH

EXECUTIVE SUMMARY

Arizona law recognizes the fundamental right of parents to raise their children without interference by the government or other institutions.ⁱ This right include the ability to direct the education and upbringing and make all health decisions for their childrenⁱⁱ—and for good reason! Parents are the frontline in protecting and providing for their children. Yet in recent years, public schools have increasingly cut parents out of critical knowledge and decisions regarding their children. [HB 2657](#) ensures that schools defer to parents in the academic, physical, emotional, and mental health care of their children.

OVERVIEW

In 2021, a Virginia teenager named Sage began socially transitioning at school by changing her name, using male pronouns, and dressing in boys' clothes. The school kept it a secret from her legal guardian—her grandmother—even after other students bullied and assaulted her.ⁱⁱⁱ Sage ultimately ran away from home and became a victim of trafficking. When found, a judge refused to return Sage to her grandmother based on the “abuse” of not affirming Sage as male. The state sent Sage to a children's home where she shared space with biological males, was again assaulted, and fled only to become a victim of trafficking once more. This bill addresses Sage's experience and the experience of other teens who desperately need their parents—not the state—guiding them in difficult times.

HB 2657 Prohibits a School from Concealing Information from Parents

The bill prohibits any public school or its employees from withholding or concealing information about children from parents in three key areas:

- Curriculum, projects, assignments, and activities.
- Physical, emotional, or mental health.
- Expressions of gender incongruence or requests to transition.

Schools must notify parents within seven days if a child expresses to any school employee that the child is experiencing gender incongruence or asks a school employee to help in social affirmation or transition while at school. The school must obtain signed, written consent from a student's parent before implementing any plan concerning gender incongruence experience by the student, including any counseling of the student at school. Any such plan must include a provision for parental participation to the extent requested by the parent.

State law already provides parents with access to all written and electronic records held by the school. HB 2657 clarifies that applicable records include those created by any third-party hired, contracted, or authorized by the school to provide services to students. In other words, a school district that contracts with a private counseling practice to serve the student body must also provide records of those counseling sessions to parents.

Any attempt to encourage or coerce a minor child to withhold information about the child’s physical, emotional, or mental health from the child’s parent is grounds for discipline. Parents who believe their rights have been violated may seek relief through a written complaint process beginning in the school and potentially culminating in a lawsuit in trial court if the issue is unresolved.

HB 2657 Ensures Schools Notify Parents of Gender Related Instruction

A school must develop procedures to notify a parent at least five days in advance and obtain the parent’s consent before the parent’s child attends any instruction or presentation that has the purpose of studying, exploring, or informing the student about gender roles or stereotypes, gender identity, gender expression, or sexual orientation.

HB 2657 Requires Schools to Notify Parents of Overnight Housing with the Opposite Sex

Prior to overnight trips sponsored or authorized by a school, the school must obtain signed, written consent from a student’s parent before placing the child in a bedroom with an individual of the opposite biological sex or requiring the child to share a multioccupancy restroom with an individual of the opposite biological sex. If a parent does not consent, the school must otherwise accommodate the child.

HB 2657 Clarifies that Raising a Child Consistent with Biology is not Abuse or Neglect

Parents and teenagers do not always see eye-to-eye. Mere disagreement is not abuse or neglect. The bill clarifies that statutory definitions of “abuse” and “neglect” do not include referring to and raising a child in a manner that is consistent with a child’s biological sex.

TALKING POINTS

- 1. Parents—not the state—have the right and responsibility to direct the upbringing of their children.**
- 2. Schools should support parents in raising their children with transparency in curriculum, records, and counseling.** Mental health care must include parental participation to the extent requested by the parent.
- 3. Raising a child in a manner that is consistent with child’s biological sex is not abuse or neglect.** Parents are in the best position to help their children grow up.

CONCLUSION

Parents play the primary and preeminent role in raising children. The U.S. Supreme Court acknowledges this role as “perhaps the oldest of the fundamental liberty interests recognized by this Court.”^{iv} HB 2657 provides critical clarification so Arizona parents may better discharge this oldest of fundamental liberties.

ⁱ A.R.S. §§ 1-601, 1-602(A).

ⁱⁱ A.R.S. §§ 1-602(A)(1), -602(A)(3), -602(A)(5).

ⁱⁱⁱ Hanford, L.B. (2023, January 19). Virginia Teen Sex-Trafficked Twice After School Hides Gender Identity From Her Parents. *The Federalist*. <https://thefederalist.com/2023/01/19/virginia-teen-sex-trafficked-twice-after-school-hides-gender-identity-from-her-parents/>

^{iv} Troxel v. Granville, 530 U.S. 57, 65 (2000).