

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. R23-0627.01 Shelby Ross x4510

HCR23-1004

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HOUSE SPONSORSHIP

Bradley,

SENATE SPONSORSHIP

(None),

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House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

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HOUSE CONCURRENT RESOLUTION 23-1004

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF  
102 COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION  
103 CONCERNING ESTABLISHING FUNDAMENTAL RIGHTS FOR  
104 PARENTS.

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Resolution Summary

*(Note: This summary applies to this resolution as introduced and does not reflect any amendments that may be subsequently adopted. If this resolution passes third reading in the house of introduction, a resolution summary that applies to the reengrossed version of this resolution will be available at <http://leg.colorado.gov/>.)*

The concurrent resolution establishes a parent's bill of rights that sets forth specific parental rights related to directing the upbringing, education, and health care of a minor child.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

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1           *Be It Resolved by the House of Representatives of the*  
2           *Seventy-fourth General Assembly of the State of Colorado, the Senate*  
3           *concurring herein:*

4           **SECTION 1.** At the election held on November 5, 2024, the  
5           secretary of state shall submit to the registered electors of the state the  
6           ballot title set forth in section 2 for the following amendment to the state  
7           constitution:

8           In the constitution of the state of Colorado, **add** section 32 to  
9           article II as follows:

10          **Section 32. Fundamental rights of parents. (1) Definitions.** AS  
11          USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

12           (a) "MINOR CHILD" MEANS A PERSON SEVENTEEN YEARS OF AGE OR  
13          YOUNGER.

14           (b) "PARENT" MEANS THE NATURAL OR ADOPTIVE PARENT OR  
15          LEGAL GUARDIAN OF A MINOR CHILD.

16           (2) **Parental rights reserved.** (a) THE STATE, ANY POLITICAL  
17          SUBDIVISION OF THE STATE, OR ANY OTHER GOVERNMENTAL ENTITY OR  
18          INSTITUTION SHALL NOT INFRINGE UPON THE FUNDAMENTAL RIGHT OF A  
19          PARENT TO DIRECT THE UPBRINGING, EDUCATION, AND HEALTH CARE OF  
20          THE PARENT'S MINOR CHILD WITHOUT DEMONSTRATING THAT THE  
21          COMPELLING GOVERNMENTAL INTEREST, AS APPLIED TO THE MINOR CHILD  
22          INVOLVED, IS OF THE HIGHEST ORDER, IS NARROWLY TAILORED, AND  
23          CANNOT BE ACCOMPLISHED IN A LESS RESTRICTIVE MANNER.

24           (b) EXCEPT AS OTHERWISE PROVIDED BY LAW, ALL PARENTAL  
25          RIGHTS ARE RESERVED TO A PARENT OF A MINOR CHILD WITHOUT  
26          OBSTRUCTION OR INTERFERENCE FROM THE STATE, ANY POLITICAL

1 SUBDIVISION OF THE STATE, OR ANY OTHER GOVERNMENTAL ENTITY OR  
2 INSTITUTION, INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO:

3 (I) DIRECT THE UPBRINGING, EDUCATION, AND HEALTH CARE OF  
4 THE MINOR CHILD;

5 (II) DIRECT THE MORAL OR RELIGIOUS TRAINING OF THE MINOR  
6 CHILD;

7 (III) ACCESS AND REVIEW ALL SCHOOL RECORDS RELATING TO THE  
8 MINOR CHILD;

9 (IV) ACCESS AND REVIEW ALL MEDICAL RECORDS OF THE MINOR  
10 CHILD;

11 (V) MAKE HEALTH-CARE DECISIONS FOR THE MINOR CHILD;

12 (VI) CONSENT IN WRITING BEFORE A BIOMETRIC SCAN OF THE  
13 MINOR CHILD OCCURS OR IS SHARED OR STORED;

14 (VII) CONSENT IN WRITING BEFORE ANY RECORD OF THE MINOR  
15 CHILD'S BLOOD OR DNA IS MADE, SHARED, OR STORED, UNLESS OBTAINING  
16 SUCH BLOOD OR DNA IS OTHERWISE REQUIRED BY LAW OR AUTHORIZED  
17 PURSUANT TO A COURT ORDER;

18 (VIII) CONSENT IN WRITING BEFORE THE STATE, ANY POLITICAL  
19 SUBDIVISION OF THE STATE, OR ANY OTHER GOVERNMENTAL ENTITY OR  
20 INSTITUTION TAKES A PHOTO OR MAKES A VIDEO OR VOICE RECORDING OF  
21 THE MINOR CHILD, UNLESS THE PHOTO, VIDEO, OR VOICE RECORDING IS TO  
22 BE USED SOLELY FOR ANY OF THE FOLLOWING PURPOSES:

23 (A) A PURPOSE RELATED TO A LEGITIMATE ACADEMIC OR  
24 EXTRACURRICULAR ACTIVITY;

25 (B) A PURPOSE RELATED TO REGULAR CLASSROOM INSTRUCTION;

26 (C) SECURITY OR SURVEILLANCE OF BUILDINGS OR GROUNDS; OR

27 (D) A PHOTO IDENTIFICATION CARD; AND

1 (IX) BE NOTIFIED PROMPTLY IF AN EMPLOYEE OF A PUBLIC SCHOOL  
2 SUSPECTS THAT A CRIMINAL OFFENSE HAS BEEN COMMITTED AGAINST THE  
3 MINOR CHILD. THIS SUBSECTION (2)(b)(IX) DOES NOT CREATE A NEW  
4 OBLIGATION FOR A SCHOOL TO REPORT MISCONDUCT BETWEEN STUDENTS  
5 AT SCHOOL, SUCH AS FIGHTING OR AGGRESSIVE PLAY, THAT IS ROUTINELY  
6 ADDRESSED BY THE SCHOOL AS A STUDENT DISCIPLINARY MATTER.

7 (c) UNLESS A RIGHT HAS BEEN LEGALLY WAIVED OR LEGALLY  
8 TERMINATED, A PARENT HAS INALIENABLE RIGHTS THAT ARE MORE  
9 COMPREHENSIVE THAN THOSE LISTED IN THIS SECTION. THIS SECTION DOES  
10 NOT PRESCRIBE ALL RIGHTS OF A PARENT. UNLESS OTHERWISE REQUIRED  
11 BY LAW, THE RIGHTS OF A PARENT OF A MINOR CHILD MUST NOT BE  
12 LIMITED OR DENIED.

13 (3) **Parental rights related to education of a minor child.**

14 (a) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT, BOARD OF  
15 COOPERATIVE SERVICES, CHARTER SCHOOL, OR INSTITUTE CHARTER  
16 SCHOOL, IN CONSULTATION WITH PARENTS, TEACHERS, AND  
17 ADMINISTRATORS, SHALL DEVELOP AND ADOPT A POLICY TO PROMOTE THE  
18 INVOLVEMENT OF PARENTS OF THE ENROLLED MINOR CHILD. AT A  
19 MINIMUM, THE POLICY MUST INCLUDE:

20 (I) A PLAN FOR PARENT PARTICIPATION IN THE SCHOOL THAT IS  
21 DESIGNED TO IMPROVE PARENT AND TEACHER COOPERATION IN AREAS  
22 SUCH AS HOMEWORK, ATTENDANCE, AND DISCIPLINE;

23 (II) PROCEDURES BY WHICH A PARENT CAN LEARN ABOUT THE  
24 COURSE OF STUDY FOR THE PARENT'S MINOR CHILD AND REVIEW LEARNING  
25 MATERIALS, INCLUDING THE SOURCE OF ANY SUPPLEMENTAL  
26 EDUCATIONAL MATERIALS;

27 (III) PROCEDURES BY WHICH A PARENT WHO OBJECTS TO ANY

1 LEARNING MATERIAL OR ACTIVITY ON THE BASIS THAT IT IS HARMFUL MAY  
2 WITHDRAW THE PARENT'S MINOR CHILD FROM THE ACTIVITY OR FROM THE  
3 CLASS OR PROGRAM IN WHICH THE MATERIAL IS USED. AN OBJECTION TO  
4 A LEARNING MATERIAL OR ACTIVITY ON THE BASIS THAT IT IS HARMFUL  
5 MUST BE AN OBJECTION BASED ON THE BELIEF THAT THE MATERIALS OR  
6 ACTIVITIES QUESTION BELIEFS OR PRACTICES IN SEX, MORALITY, OR  
7 RELIGION.

8 (IV) IF A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES,  
9 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL OFFERS INSTRUCTION  
10 IN COMPREHENSIVE HUMAN SEXUALITY EDUCATION PURSUANT TO SECTION  
11 22-1-128, COLORADO REVISED STATUTES, PROCEDURES ON HOW TO  
12 PROVIDE INFORMATION, AT LEAST FIFTEEN DAYS PRIOR TO THE START OF  
13 INSTRUCTION, TO PARENTS REGARDING HOW TO OPT OUT OF SUCH  
14 INSTRUCTION;

15 (V) PROCEDURES BY WHICH A PARENT WILL BE NOTIFIED AT LEAST  
16 FIFTEEN DAYS IN ADVANCE OF AND GIVEN THE OPPORTUNITY TO  
17 WITHDRAW THE PARENT'S MINOR CHILD FROM ANY INSTRUCTION OR  
18 PRESENTATION REGARDING HUMAN SEXUALITY IN COURSES OTHER THAN  
19 A FORMAL COMPREHENSIVE HUMAN SEXUALITY EDUCATION PURSUANT TO  
20 SECTION 22-1-128, COLORADO REVISED STATUTES;

21 (VI) PROCEDURES BY WHICH A PARENT CAN LEARN ABOUT THE  
22 NATURE AND PURPOSE OF CLUBS AND ACTIVITIES THAT ARE PART OF THE  
23 SCHOOL CURRICULUM, AS WELL AS EXTRACURRICULAR CLUBS AND  
24 ACTIVITIES THAT HAVE BEEN APPROVED BY THE SCHOOL, AT LEAST  
25 FIFTEEN DAYS IN ADVANCE AND CAN BE GIVEN THE OPPORTUNITY TO  
26 WITHDRAW THE PARENT'S MINOR CHILD FROM ANY CLUBS OR ACTIVITIES;  
27 AND

1 (VII) PROCEDURES BY WHICH A PARENT CAN LEARN ABOUT THE  
2 PARENTAL RIGHTS AND RESPONSIBILITIES UNDER THE LAWS OF THE STATE,  
3 INCLUDING THE RIGHT TO:

4 (A) OBTAIN INFORMATION CONCERNING SCHOOL CHOICE OPEN  
5 ENROLLMENT RIGHTS;

6 (B) OPT OUT OF AN ASSIGNMENT THAT THE PARENT OBJECTS TO AS  
7 IT RELATES TO SEX, MORALITY, OR RELIGIOUS TRAINING OF THE MINOR;

8 (C) RECEIVE INFORMATION CONCERNING THE MINIMUM COURSE OF  
9 STUDY AND COMPETENCY REQUIREMENTS FOR GRADUATION FROM HIGH  
10 SCHOOL;

11 (D) ACCESS AND REVIEW SCHOOL RECORDS;

12 (E) HAVE THE PARENT'S MINOR CHILD PARTICIPATE IN GIFTED AND  
13 TALENTED PROGRAMS;

14 (F) RECEIVE INFORMATION RELATED TO ATTENDANCE  
15 REQUIREMENTS SET FORTH IN THE "SCHOOL ATTENDANCE LAW OF 1963",  
16 ARTICLE 33 OF TITLE 22, COLORADO REVISED STATUTES;

17 (G) RECEIVE POLICIES RELATED TO PARENTAL INVOLVEMENT  
18 PURSUANT TO THIS SUBSECTION (3);

19 (H) PARTICIPATE IN PARENT TEACHER ASSOCIATIONS AND  
20 ORGANIZATIONS THAT ARE SANCTIONED BY THE BOARD OF EDUCATION OF  
21 A SCHOOL DISTRICT; AND

22 (I) OPT OUT OF ANY DATA COLLECTION INSTRUMENT AT THE  
23 DISTRICT LEVEL THAT WOULD CAPTURE DATA FOR INCLUSION IN THE  
24 STATEWIDE LONGITUDINAL STUDENT DATA SYSTEM, EXCEPT WHAT IS  
25 NECESSARY AND ESSENTIAL FOR ESTABLISHING A STUDENT'S PUBLIC  
26 SCHOOL RECORD.

27 (b) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT MAY ADOPT

1 A POLICY TO PROVIDE PARENTS WITH THE INFORMATION REQUIRED BY THIS  
2 SUBSECTION (3) IN ELECTRONIC FORM.

3 (c) A REQUEST FOR INFORMATION PURSUANT TO THIS SECTION  
4 MUST BE SUBMITTED IN WRITING BY A PARENT DURING REGULAR BUSINESS  
5 HOURS TO EITHER THE SCHOOL PRINCIPAL OR THE SUPERINTENDENT OF THE  
6 SCHOOL DISTRICT. WITHIN TWO BUSINESS DAYS AFTER RECEIVING THE  
7 INFORMATION REQUEST, THE SCHOOL PRINCIPAL OR DISTRICT  
8 SUPERINTENDENT SHALL PROVIDE THE REQUESTED INFORMATION TO THE  
9 PARENT.

10 (4) **Parental rights related to health care of a minor child.**

11 (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL  
12 OR A CORPORATION, ASSOCIATION, ORGANIZATION, OR STATE-SUPPORTED  
13 INSTITUTION, OR AN INDIVIDUAL EMPLOYED BY ANY OF THESE ENTITIES,  
14 SHALL NOT PROCURE, SOLICIT TO PERFORM, ARRANGE FOR THE  
15 PERFORMANCE OF, OR PERFORM A SURGICAL PROCEDURE UPON A MINOR  
16 CHILD WITHOUT FIRST OBTAINING WRITTEN OR VERBAL CONSENT FROM  
17 THE MINOR'S PARENT THAT IS IMMEDIATELY DOCUMENTED.

18 (b) NOTWITHSTANDING SUBSECTION (4)(a) OF THIS SECTION,  
19 PARENTAL CONSENT IS NOT REQUIRED IF A MINOR IS IN THE CUSTODY OF A  
20 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES OR THE DIVISION OF  
21 YOUTH SERVICES IN THE DEPARTMENT OF HUMAN SERVICES CREATED IN  
22 SECTION 19-2.5-1501 (1), COLORADO REVISED STATUTES.

23 **SECTION 2.** Each elector voting at the election may cast a vote  
24 either "Yes/For" or "No/Against" on the following ballot title: "Shall  
25 there be an amendment to the Colorado constitution concerning  
26 establishing fundamental rights for parents?"

27 **SECTION 3.** Except as otherwise provided in section 1-40-123,

1 Colorado Revised Statutes, if at least fifty-five percent of the electors  
2 voting on the ballot title vote "Yes/For", then the amendment will become  
3 part of the state constitution.