
A BILL FOR AN ACT

RELATING TO PARENTAL RIGHTS IN EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to be properly designated and to
3 read as follows:

4 "§302A- Student welfare. (a) The board must adopt
5 procedures for notifying a student's parent if there is a change
6 in the student's services or monitoring related to the student's
7 mental, emotional, or physical health or well-being and the
8 school's ability to provide a safe and supportive learning
9 environment for the student. The procedures must reinforce the
10 fundamental right of parents to make decisions regarding the
11 upbringing and control of their children by requiring school
12 personnel to encourage a student to discuss issues relating to
13 his or her well-being with his or her parent or to facilitate
14 discussion of the issue with the parent. The procedures may not
15 prohibit parents from accessing any of their student's education
16 and health records created, maintained, or used by the
17 department.



1 (b) The board may not adopt procedures or student support
2 forms that prohibit school personnel from notifying a parent
3 about his or her student's mental, emotional, or physical health
4 or well-being, or a change in related services or monitoring, or
5 that encourage or have the effect of encouraging a student to
6 withhold from a parent such information. School personnel may
7 not discourage or prohibit parental notification of and
8 involvement in critical decisions affecting a student's mental,
9 emotional, or physical health or well-being. This subparagraph
10 does not prohibit the department from adopting procedures that
11 permit school personnel to withhold such information from a
12 parent if a reasonably prudent person would believe that
13 disclosure would result in abuse, abandonment, or neglect.

14 (c) Classroom instruction by school personnel or third
15 parties on sexual orientation or gender identity may not occur
16 in kindergarten through grade three or in a manner that is not
17 age appropriate or developmentally appropriate for students in
18 accordance with state standards.

19 (d) Student support services training developed or provided
20 by the department to school personnel must adhere to student



1 services guidelines, standards, and frameworks established by
2 the department.

3 (e) At the beginning of the school year, the department
4 shall notify parents of each healthcare service offered at their
5 student's school and the option to withhold consent or decline
6 any specific service. Parental consent to a health care service
7 does not waive the parent's right to access his or her student's
8 educational or health records or to be notified about a change
9 in his or her student's services or monitoring as provided by
10 this subsection.

11 (f) Before administering a student well-being
12 questionnaire or health screening form to a student in
13 kindergarten through grade three, the department must provide
14 the questionnaire or health screening form to the parent and
15 obtain the permission of the parent.

16 (g) The board shall adopt procedures for a parent to
17 notify the principal, or his or her designee, regarding concerns
18 under this subsection at his or her student's school and the
19 process for resolving those concerns within seven calendar days
20 after notification by the parent. The procedures must require
21 that within thirty days after notification by the parent that



1 the concern remains unresolved, the department must either
2 resolve the concern or provide a statement of the reasons for
3 not resolving the concern.

4 (1) If a concern is not resolved by the department, a
5 parent may:

6 (A) Request the superintendent to appoint a special
7 magistrate who is a member of the Hawaii bar (?) in
8 good standing and who has at least five years'
9 experience in administrative law. The special
10 magistrate shall determine facts relating to the
11 dispute over the department procedure or practice,
12 consider information provided by the department, and
13 render a recommended decision for resolution to the
14 board within thirty days after receipt of the request
15 by the parent. The board must approve or reject the
16 recommended decision at its next regularly scheduled
17 meeting that is more than seven calendar days and no
18 more than thirty days after the date the recommended
19 decision is transmitted. The costs of the special
20 magistrate shall be borne by the department. The board



1 shall adopt rules, including forms, necessary to
2 implement this subparagraph.

3 (B) Bring an action against the department to obtain a
4 declaratory judgment that the department procedure or
5 practice violates this subsection and seek injunctive
6 relief. A court may award damages and shall award
7 reasonable attorney fees and court costs to a parent
8 who receives declaratory or injunctive relief.

9 (2) The board shall adopt policies to notify parents of
10 the procedures required under this subsection.


11 (3) Nothing contained in this subsection shall be
12 construed to abridge or alter rights of action or
13 remedies in equity already existing under the common
14 law or general law.

15 SECTION 2. By June 30, 2024, the department shall review
16 and update, as necessary, school counseling frameworks and
17 standards; educator practices and professional conduct
18 principles; and any other student services personnel guidelines,
19 standards, or frameworks in accordance with the requirements of
20 this Act.

21 SECTION 3. This Act shall take effect July 1, 2023.



H.B. NO. 509

INTRODUCED BY: 
JAN 20 2023



H.B. NO. 509

Report Title:

Parental rights in education

Description:

Bans instruction related to sexual orientation and gender identity in public schools. Establishes new parental rights regarding health services and records. Establishes the parental right to sue and receive damages if schools fail to adhere to new provisions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

