



Testimony of GLBTQ Legal Advocates & Defenders (GLAD)
in opposition to
H 7781 - Relating to Health and Safety – Parents Bill of Rights Act
April 10, 2024

Dear Chair McNamara, First Vice Chair Noret, Second Vice Chair Kislak, and members of the House Committee on Education:

Thank you for the opportunity to submit testimony in strong **opposition** to H 7781. It goes without saying that parental rights are foundational to the stability of our families and society. GLBTQ Legal Advocates & Defenders (GLAD) has a deep and long commitment to protecting the rights of parents and to securing parent-child relationships, which we know are core to the health and well-being of children and families. However, this bill is unnecessary and ill-fitted to Rhode Island, breathtakingly broad and apt to cause confusion and unintended consequences, and fails to account for the complex, interconnected interests of parents, children, educators, and medical providers. Rather than address actual needs of Rhode Islanders, this bill reflects dangerous extremism sweeping the country.

In 2021, Florida passed a similar bill, despite protests from students, families and advocates.¹ See Fla. Stat. § 1014.01-06 (2021). Since then, we have witnessed the introduction of similar legislation in many states across the country. In 2023, at least 32 states considered legislation related to creating a Parents Bill of Rights as it relates to education.² These laws and bills seek to increase fear, uncertainty, and chaos in our schools. While this bill is framed as legislation to support parents, that does not appear to be its intent. Instead, it seeks to facilitate anger and polarization and distract our schools from the important work of supporting and empowering all students.

The bill is ill-fitted to Rhode Island and unnecessary. The language of the bill seems to be a template generated by extremists, echoing the federal Parents Bill of Rights that passed the U.S. House of Representatives with no bipartisan support and

¹ Issac Morgan, 'Parental Rights in Education' Bill Signing Inspires Protests from LGBTQ People, Allies, Mar. 28, 2022, available at <https://floridaphoenix.com/2022/03/28/parental-rights-in-education-bill-signing-inspires-protests-from-lgbtq-people-allies/>.

² National Conference of State Legislatures, Parents' Bill of Rights, available at https://www.northcarolinahealthnews.org/wp-content/uploads/2023/06/NCSL-RR_ParentBillOfRights.pdf

the Families' Rights and Responsibilities Act that was introduced in the House and Senate.³ This cookie-cutter bill is not adapted to Rhode Island. For example, the definition of parent in the bill – a key definition considering the purported aim of the bill – is exclusionary and outdated. It ignores the updates made in the Rhode Island Uniform Parentage Act that ensures that all children and families are reflected in Rhode Island law. Additionally, the bill is unnecessary in that it seems to restate parental rights that are well-understood to exist under the federal and state constitutions and the laws of Rhode Island and are respected by the State and local governments. And, when targeted legislation is necessary to ensure parents are heard, the State has responded in kind with proscribed solutions. See, e.g., R.I. G. L. §16-21-7 (ability to opt out of school health program); §16-21-10 (ability to opt out of scoliosis screening); §16-21-28 (ability of parents to serve on school health and wellness subcommittee).

Furthermore, this bill is so broad that it will cause confusion and erect barriers to education and healthcare for children. For example, the bill covers not only governmental entities but also “any other institution” in Rhode Island. See § 23-100-3. This means that every independent school, religious school, or *any entity in the state* will be subject to the penalties of this bill, which include professional discipline, fines, and criminal punishment. The bill also indicates that no health care provider can provide any care to a child without written parental consent. There are no cross-references clarifying that providers can act in an emergency. The bill states that providers can be disciplined or charged with a crime for providing health care without written parental consent. The bill, further, does not clarify whether consent is required from one or more parents. In short, the bill will cause confusion and fear for educators, health care providers and, ostensibly, any adult working with or in support of a child that they cannot act in any manner – minor or not – without written parental consent. Such a scheme is impractical, unworkable, and unsafe for children.

Finally, the bill does not recognize other interconnected rights and interests that make the educational and health care issues addressed more complex and layered. For example, a child has their own rights to consent to medical care under certain circumstances. See, e.g., R. I. G. L. § 23-4.6-1. Further, parents do not and should not have unfettered rights to control the operational practices of schools, including vis-a-vis curriculum. Schools have a “compelling interest in the broad ends of education, the scope of which extend far beyond ‘curriculum’” to not only “teach[] the basics of reading, writing, and arithmetic” but also to “serv[e] higher civic and social functions,

³ Parents' Bill of Rights Act, available at <https://www.congress.gov/bill/118th-congress/house-bill/5/all-actions>. Families' Rights and Responsibilities Act, available at <https://www.congress.gov/bill/118th-congress/senate-bill/3571/related-bills?s=1&r=28> and <https://www.congress.gov/bill/118th-congress/house-bill/6934/all-actions>.

including the rearing of children into healthy, productive, and responsible adults and the cultivation of talented and qualified leaders of diverse backgrounds.” *Fields v. Palmdale Sch. Dist.*, 427 F.3d 1197, 1209 (9th Cir. 2005), opinion amended on denial of reh’g sub nom. *Fields v. Palmdale Sch. Dist.* (PSD), 447 F.3d 1187 (9th Cir. 2006). See also *Brown v. Hot, Sexy and Safer Productions, Inc.*, 68 F.3d, 525, 533 (1st Cir. 1995)(holding that the state cannot prevent parents from choosing “a specific educational program—whether it be religious instruction at a private school or instruction in a foreign language. We do not think, however, that this freedom encompasses a fundamental constitutional right to dictate the curriculum at the public school to which they have chosen to send their children.”); *Parker v. Hurley*, 514 F.3d 87, 102 (1st Cir. 2008)(“while parents can choose between public and private schools, they do not have a constitutional right to ‘direct how a public school teaches their child.’”) (internal citation omitted).

“Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.” *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957). In these complicated times, GLAD believes that we must build bridges and forge connections, moving towards dialogue and greater understanding and avoiding the many traps outlined in this bill that will bring chaos to Rhode Island schools.

For all of these reasons, GLAD strongly opposes H 7781. If you have any further questions or need additional information, please do not hesitate to contact me. Thank you for your work on behalf of the state of Rhode Island.

Respectfully submitted,
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