

On page 1, line 4, of the Introduced bill, after "1-1A:" delete "The liberty of a parent to the nurture, care, custody, and control of the parent's child, including the right to direct the upbringing, education, health care, and mental health of the child, is a fundamental right."

On page 1, line 7, of the Introduced bill, delete "All parental rights are exclusively reserved to a parent of a child, without obstruction by or interference from a state agency, political subdivision, or any elected or appointed official or employee of this state or its political subdivisions. These include the right and responsibility to:

- (1) Direct the upbringing of the child;
- (2) Direct the moral or religious training of the child;
- (3) Make all physical and mental healthcare decisions for the child and consent to, or withhold consent for, all physical and mental health care on the child's behalf;
- (4) Access and review all health information and medical records that relate to the child;
- (5) Direct the education of the child, including the right to choose public, private, religious, home school, and alternative instruction;
- (6) Make reasonable choices within the public school system for the education of the child;
- (7) Access and review all educational records of the child maintained by the school or school district;
- (8) Have the child excused from school attendance for religious or other purposes; and
- (9) Participate in parent-teacher organizations and other school organizations.

No state agency, political subdivision, or any elected or appointed official or employee of this state or its political subdivisions may infringe upon the fundamental right of a parent, unless the infringement is narrowly tailored to meet a compelling governmental interest by the least restrictive means, as provided by law.

This section constitutes a general law of the state within the meaning of S. D. Const. , Article IX, § 2 and supersedes any contrary provision in a home rule charter. Any person aggrieved by a violation of this section may file an action for damages, injunctive relief, or other appropriate redress in circuit court, or may assert such violation as a defense in a judicial or administrative proceeding. The plaintiff, if the prevailing party, may also recover reasonable attorney's fees and costs." and insert "The liberty of a parent to the nurture, care, custody, and control of the parent's child is a fundamental right. An agency or officer of this state or an agency or officer of any political subdivision of this state may not infringe upon the fundamental right of a parent unless the infringement is narrowly tailored to meet a compelling governmental interest by the least restrictive means allowable by law. "