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SYNOPSIS:

Existing state statute enacted by the Legislature in 2023 recognizes the fundamental rights of parents to direct the education, upbringing, care, and control of their children and references the recognition of those parental rights by the Alabama Supreme Court and the United States Supreme Court.

This bill would propose an amendment to the Constitution of Alabama of 2022, to provide that: (i) parents have a fundamental right to direct the education, upbringing, care, and control of their children; and (ii) the government may not burden that right unless the government demonstrates that the burden as applied to the parent is in furtherance of a compelling government interest and the government uses the least restrictive means possible to further that interest.

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of Alabama of 2022, to provide that parents have a fundamental right to



29 direct the education, upbringing, care, and control of their
30 children; and to provide that the government may not burden
31 certain fundamental rights of parents.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. The following amendment to the Constitution
34 of Alabama of 2022, is proposed:

35 PROPOSED AMENDMENT

36 (a) Parents have the fundamental right to direct the
37 education, upbringing, care, and control of their child.

38 (b) The government may not burden the fundamental right
39 of a parent to direct the education, upbringing, care, and
40 control of his or her child unless the government demonstrates
41 that the application of the burden as applied to the parent is
42 in furtherance of a compelling governmental interest and the
43 government uses the least restrictive means possible to
44 further that interest.

45 Upon ratification of this constitutional amendment, the
46 Code Commissioner shall number and place this amendment as
47 appropriate in the constitution omitting this instructional
48 paragraph and may make the following nonsubstantive revisions:
49 change capitalization, hierarchy, spelling, and punctuation
50 for purposes of style and uniformity; correct manifest
51 grammatical, clerical, and typographical errors; revise
52 internal or external citations and cross-references; harmonize
53 language; and translate effective dates.

54 END OF PROPOSED AMENDMENT

55 Section 2. An election upon the proposed amendment
56 shall be held in accordance with Sections 284 and 285 of the



57 Constitution of Alabama of 2022, and the election laws of this
58 state. The appropriate election official shall assign a ballot
59 number for the proposed constitutional amendment on the
60 election ballot and shall set forth the following description
61 of the substance or subject matter of the proposed
62 constitutional amendment:

63 "Proposing an amendment to the Constitution of Alabama
64 of 2022, to provide that parents have a fundamental right to
65 direct the education, upbringing, care, and control of their
66 children, and that the government may not burden that
67 fundamental right unless the government demonstrates that the
68 application of the burden as applied to the parent is in
69 furtherance of a compelling governmental interest and uses the
70 least restrictive means possible to further that interest.

71 Proposed by Act ____."

72 This description shall be followed by the following
73 language:

74 "Yes() No()."

75 Section 3. The proposed amendment shall become valid as
76 a part of the Constitution of Alabama of 2022, when approved
77 by a majority of the qualified electors voting thereon.