



UNDERSTANDING YOUR PARENTAL RIGHTS IN EDUCATION



HISTORY OF THE FEDERAL DEPARTMENT OF EDUCATION



Despite the Founders respecting the 10th Amendment by purposefully leaving education to the States



"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"



In the 1979, President Jimmy Carter signed the Department of Education Act, establishing the United States Department of Education. Carter appointed Shirley Mount Hufstедler, a liberal judge from California, as the first Secretary of Education.

KNOW YOUR PARENTAL RIGHTS?



PARENTAL RIGHTS ACCORDING TO LAW

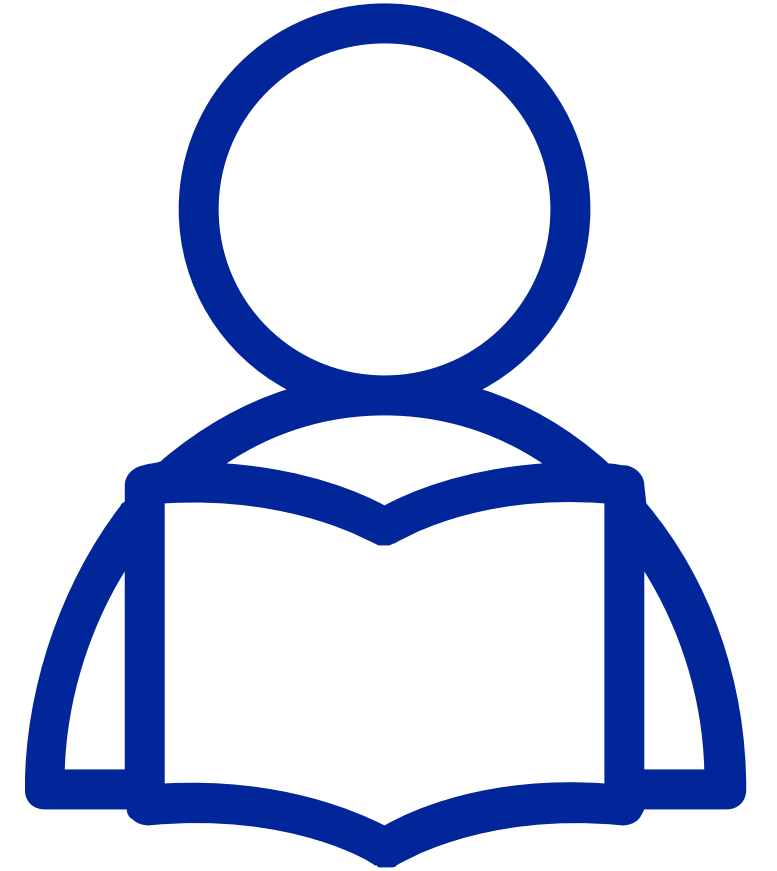
Elementary and Secondary Education Act (ESEA) (1965)

Every Student Succeeds Act (ESSA) (revised ESEA, 2015) page 7

Family Educational Rights and Privacy Act (FERPA) (1974, rev. 2002) page 8

Protection of Pupil Rights Act (PPRA) (1970s) page 9

and, rights within the Titles



PARENTAL RIGHTS IN THE COURTS



Pages 12-16

Meyer v. State of Nebraska, 262 U.S. 390 (1923)

"It is the natural duty of the parent to give his children an education suitable to their station in life."

Pierce v. Society of Sisters, 268 U.S. 510 (19 25)

"The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. The child is not a mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."

Prince v. Commonwealth of Massachusetts 321 U.S. 158 (1944)

"reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder. . . It is in recognition of this that these decisions have respected the private realm of family life, which the state cannot enter."

Wisconsin v. Yoder, 406 U.S. 205 (1972)

"This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"

EXERCISING YOUR PARENTAL RIGHTS



HOW TO REQUEST & REVIEW CHILD'S RECORDS

Every school board will have a policy on how to request records. It's important to be familiar with FERPA, as it can assist you throughout this process.

You have rights to...

- See your child's records **within 45 days** of when the school receives your request to see them.
- Get a photocopy of your child's educational records if you can't review them at the school. (The school may charge you a nominal fee to make copies.)
- Ask the school to correct any record you think is inaccurate or misleading. You have the right to a formal hearing if the school doesn't fix the record.

To access your student's records

1. Request in writing (email best) to inspect and review any educational records. Be sure to keep a copy of the request.
2. Include examples of the types of records and files that you are requesting from the above lists.
3. Be flexible with how you are willing to receive the records. The documents may be provided to you electronically, or you may be asked to come to the school or district office to review or pick up copies.

*FERPA is not absolute, for more info, visit: www.ed.gov - type "FERPA home" in the search box,

*A sample e-mail template available in Toolkit

HOW TO REQUEST TO INSPECT CURRICULUM

PPRA: All schools receiving Federal Funds are REQUIRED to answer requests.

Typical process includes

- Contact teacher and CC principal (everything should be in writing)
- School is required to respond in so many days outlined in Board policy.
- In many situations, you may have to go through Public Records Request process

This may include financial obligations on your part.

IF the school does not respond:

You can report the school's violation to the U.S. Department of Education using the form provided at www.studentprivacy.ed.gov/file-a-complaint. (Note that complaints must be made **within 180 days** of the date of the violation.)

HOW TO REVIEW & OPT-OUT OF SURVEYS

"Under the **Protection of Pupil Rights Amendment**, 20 U.S.C § 1232h, I request copies of all surveys and related documents given to my child during the past school year, and copies of the opt-out notifications you provided to parents. I am asking for information concerning or related to

1. Schools must notify you about student surveys to give you the option to opt your child out.

2. To make a direct request of your school, use the example on pg. 45 of the Guide if they do not provide opt out form.

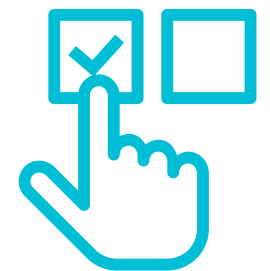


PPRA - supports parental opt-out, requires that student surveys do not include personally identifiable information.

- *political affiliations or beliefs of the student or the student's parent; mental or psychological problems of the student or the student's family;*
- *sex behavior or attitudes;*
- *illegal, anti-social, self-incriminating, or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships (this should include all material related to "white privilege" or "anti-racism"); legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;*
- *religious practices, affiliations, or beliefs of the student or student's parent; or income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).*

HOW TO OPT-OUT OF MATERIALS & ASSIGNMENTS

- **Opt-out most dependent on where you live**
 - Several states have strong parental rights laws protecting your right to opt your child out of any learning material or activity deemed harmful to your student.
- **Most state laws were written specifically with sex and health education in mind.**
- **You must investigate your district and/or state 's opt-out laws regarding instructional materials**
 - Start by asking the school Principal what is the opt-out process.
 - Then, find out if there is an official form for you to fill out should you need it at some point.
 - If your school does not have an official opt-out form or process, you can draw up your own written notice of your expectations.
 - You want to submit your opt-out request to the school annually and ensure it is kept in your child's cumulative school file. You will also want to keep a copy of whatever you provide to the school.




HOW TO HOLD TEACHERS & ADMIN. ACCOUNTABLE

You must exhaust other remedies before seeking teacher removal

Taking Action:

1. Meet with a Teacher or Administrator to share concerns
2. Participate in School Board Meetings
3. **WHEN ALL ELSE FAILS**

 File an ethics complaints with the state DOE against all licensed professional involved.

1. **Gather relevant information:** This might include documents related to the incident or concerns and any relevant communication with the school or educator in question.
2. **Contact the state education department or licensing board**
3. **Follow the agency's complaint process:** Each state has its own process for handling complaints, so it's important to follow the specific guidelines set out by the agency you are contacting.
4. **Be prepared to provide evidence:** This might include documents, emails, or other types of supporting materials.
5. **Keep a record of your complaint:** It's a good idea to keep a copy of your complaint and any supporting materials for your records. This will help you keep track of the status of your complaint and any subsequent actions taken by the agency.
6. **File a complaint within the days required according to DOE policy.**

EMPOWER YOUR STUDENT WITH AUTHORITY



Have a conversation with your child and walk them through how to handle various scenarios...

- **Give your child permission to refuse to do an assignment if they are uneasy about the content.**
 - They should immediately tell you and ask for an alternate
- **Give your child permission not to participate in class discussion that make them feel uncomfortable**
 - In this scenario, they should go to the front office, call you, and notify the principal of the situation
- **Give your child permission to respectfully disagree with the teacher**
 - The key word here is "respectfully"
- **Give your child permission to refuse to apologize or made to feel guilty for their beliefs**
 - Notify principal and or board members if this is an issue

FOR MORE INFORMATION

- BEST Website Resources: <https://bestined.org>
- Alliance Defending Freedom: <https://adflegal.org>
- Parents Defending Education: <https://defendinged.org>

