



# PARENTAL RIGHTS IN EDUCATION GUIDE

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# WELCOME

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Dear **BEST** Friend,

Building Education for Students Together (BEST) is committed to building America's largest parent-led reform movement, and YOU are an essential part of it!

As a parent of school-age children, you must know your parental rights in education and how to exercise them. Therefore, I am pleased to share this **BEST Parental Rights in Education Guide** to equip and encourage you to practically exercise your rights.

When parents are educated and mobilized, we can link arms together in your city and state and take back our schools for good.

BEST's efforts on the national and state level to achieve that goal include the following:

- **CANDIDATES:** At BEST, we have built one of the country's premier school board candidate training programs and follow-up training for newly elected school board members.
- **CHOICE:** Expanding school choice at the state and national level, including citizen lobbying.
- **CURRICULUM:** Driving toward removing the biased, anti-American, subjective curriculum in schools that have left our kids with the lowest test scores in thirty years.
- **COALITIONS:** We are engaged in all these efforts with you, the parents, and in partnership and cooperation with key coalition partner organizations in states across the nation.

Join us! Together we can strengthen a better K-12 education experience for this and future generations. Be sure to keep up to date with all BEST is doing on our website at **[www.parentsknowbest.com](http://www.parentsknowbest.com)**.



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Laura has years of experience and expertise in the subject of education reform. Laura's focus shifted to education when her children began public school in Florida. Laura served in multiple positions on the parent-teacher board of her children's schools, was elected twice as president of her county's parent-teacher association, and co-founded Florida Parents Against Common Core (FPACC), one of the largest parent-led advocacy groups in the state. Additionally, she served on former Florida Governor Rick Scott's Education Committee as the parent representative before being elected to the Indian River County School Board.

# INTRODUCTION TO PARENTAL RIGHTS

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At FreedomWorks BEST, our mission is to ignite a national parent-led movement by building, educating, and mobilizing the largest network of parent activists in the country to advocate for their children's education through the election of school board members and the passage of policies that align with our vision of expanding education freedom.

In light of that, we want to equip and encourage you to exercise your inherent and legally-protected parental rights in directing your child's education.

To do that, you need to know what your rights are! Unfortunately, many parents do not understand that they have specific liberties concerning their child's education and school. BEST is here to provide the information you need to understand your rights according to federal and state law and in view of court rulings and precedents.

First and foremost, you need to know that you are the number one advocate for your child in relation to teachers and administrators in your child's school. You have the fundamental right and responsibility to direct your child's upbringing and education.

Your parental rights also have a long history of being affirmed by the Supreme Court and federal law. But beyond laws, unless there is a court order around child custody and involvement with your child, your parental rights are implicit and absolute; they are supreme. As parents, you are responsible for protecting and guiding your children, and BEST is here to help you do that!

Despite these facts, if your kids are in public school, your rights may be violated even while your tax dollars help foot the bill for their education.

The slide toward a biased cultural agenda in the classroom has contributed to a loss of academic learning and poor test scores. We can also thank the influx of federal covid relief funds that have poured into our school districts nationwide for the millions of dollars spent on mental health employees, social-emotional learning surveys, and controversial supplemental materials for the classroom. But unfortunately, more focus is being given to children's feelings and sexual identity rather than elevating their math and reading proficiency. And at the same time, kids are being led to believe that school employees are a safer place than their families.

Revisionist history and critical theories related to race and gender are replacing accurate history and American civics. Books with pornographic images and inappropriate material have quietly landed in school libraries and classrooms. And schools are surveying students about their preferred pronouns, family members, and home life.



All of this has been ushered in by what could be called the education cabal - which includes the teachers' unions control over the U.S. Department of Education and state boards of education, along with powerful non-government organizations that are funded by the radical left.

This takeover of schools and introduction of a biased, destructive cultural agenda in the classroom directly violates your rights as a parent, as you are often left out of the education equation.

**Our aim is to empower you with the knowledge necessary to exercise and act upon your parental rights.** Of course, there will likely be trial and error in your attempts. You will need courage and patience. But we at BEST are committed to walking with you through the process of advocating for your child's education. Knowing your rights as a parent will give you the information and confidence to ensure that you are honored and respected by your child's school officials.

### **A BRIEF HISTORY OF PARENTAL RIGHTS IN EDUCATION**

Parental rights are not only inherently fundamental and supreme, but they are also embedded in the fabric of the American framework. Our founding fathers didn't claim federal authority over public education. Instead, in 1791, they passed off the responsibility of teaching reading, writing, and arithmetic - and discipline - to the 14 states, honoring the 10th Amendment<sup>1</sup> and state's rights.

It wasn't until the 20th century that the U.S. Department of Education was established by law in 1979. The Department of Education was founded with the mission "to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access."

Here are some highlights contained in the legislation:

- The law states that education is fundamental to the development of individual citizens and the progress of the Nation and that parents have the primary responsibility for the education of their children, and States<sup>2</sup>, localities, and private institutions have the primary responsibility for supporting that parental role.
- In our Federal system, the primary public responsibility for education is reserved respectively to the States and the local school systems and other instrumentalities of the States.
- The American people benefit from diverse educational settings, including public and private schools, libraries, museums, other institutions, the workplace, the community, and the home.

1 <https://constitution.findlaw.com/amendment10.html>

2 <https://www.law.cornell.edu/definitions/uscode.php>,

- And it states that there is a need for improvement in the management and coordination of Federal education programs to support state, local, and private institutions, students, and parents more effectively in carrying out their educational responsibilities.

It was the intention of Congress in the establishment of the Department<sup>3</sup> to protect the rights of state and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of these governments and institutions over their own educational programs and policies. Stating that “The establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and the local school systems and other instrumentalities of the States.”

Despite the intention of founding the U.S. Department of Education, over the decades since, the authority has become centralized in Washington, and federal spending on education has burgeoned. The Heritage Foundation points out that since 2000 federal education programs through No Child Left Behind, School Improvement Grants, Race to the Top, and Common Core, the U.S. Department of Education budget ballooned from \$38 billion to \$70 billion. All those tax dollars were sent to the rescue, and student achievement has essentially flatlined.<sup>4</sup>

As parents, we can remind our school officials of the intent of the law that established the U.S. Department of Education and point out how that department and other members of the education cabal have strayed from that intent.

3 [https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def\\_id=20-USC-1453318286-1611298794&term\\_occur=999&term\\_src=title:20:chapter:48:subchapter:l:section:3403](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=20-USC-1453318286-1611298794&term_occur=999&term_src=title:20:chapter:48:subchapter:l:section:3403)

4 <https://www.brookings.edu/research/2018-brown-center-report-on-american-education-trends-in-naep-math-reading-and-civics-scores/>

# PARENTAL RIGHTS ACCORDING TO FEDERAL AND STATE LAW AND THE COURTS

It can be overwhelming as a parent to know where to begin understanding your rights regarding your child’s education. In the past, moms and dads could send their sons and daughters off to K-12 classrooms with little concern. But, unfortunately, today, we must be more diligent in knowing what is going on beyond the locked-down school buildings where we send our youth off to be educated each weekday.

**As parents, we must educate ourselves on the federal and state laws that give us the right to guide our child’s education.**

State law regarding parental rights will vary depending on where we live across the country, yet all of us parents are protected by the following federal laws.

## **FEDERAL LAW AFFIRMS AND OUTLINES PARENTAL RIGHTS**

Since the Constitution was written, the Supreme Court has added substantial constitutional rights for parents and children. Congress has thankfully passed many education reforms like the Elementary and Secondary Education Act (ESEA)<sup>1</sup> of 1965 and its 2015 revised version, the Every Student Succeeds Act (ESSA), along with the Family Educational Rights and Privacy Act (FERPA, 1974 - revised in 2002),<sup>2</sup> the Protection of Pupil Rights Amendment (PPRA), IDEA (The Individuals With Disabilities Education Act of 1975), the 1964 Civil Rights Act <sup>3</sup>and subsequent amendments, and numerous other landmark policies.<sup>4</sup> In addition, there is a movement to pass a parental rights amendment to the U.S. constitution.

## **WHAT RIGHTS ARE PARENTS AFFORDED THROUGH THE EVERY STUDENT SUCCEEDS ACT (ESSA)?**

The Every Student Succeeds Act states that more than test scores are needed for measuring student success. More resources for disadvantaged schools and students – including grant funding for literacy programs – and a shift in decision-making from the federal to the state level. Another aspect of ESSA is the requirement of input from families through the school-parent compact found in

5 <https://www.verywellhealth.com/every-student-succeeds-act-5221259>  
6 <https://www2.ed.gov/%20policy/gen/guid/fpco/ferpa/parents.html>  
7 <https://www.ourdocuments.gov/doc.php?flash=false&doc=97>  
8 <https://www.edweek.org/ew/articles/2012/05/02/30barone.h31.html>

ESSA, Section 1116.<sup>5</sup> This compact defines how schools and parents have a shared responsibility in high student achievement.

This federal law details the rights and opportunities for children at their public school, including how parents are:

- Integral in assisting in their child’s learning.
- Full partners in their child’s education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child.
- Encouraged to be actively involved in their child’s education at school, including observation of activities in the classroom activities and volunteering in the classroom.
- To have reasonable access to staff.
- Ensured regular two-way, meaningful communication between family members and school staff, and to the extent practicable, in a language that family members can understand.
- To receive frequent reports on their child’s progress.
- To have parent-teacher conferences at least annually for elementary school children, during which the school-parent compact shall be discussed as it relates to their individual child’s achievement.

ESSA Section 1116 also requires schools to notify parents regarding teacher qualifications and information on the student’s level of achievement and academic growth, if applicable and available, on each of the State academic assessments required under this part, including purpose, subject matter, and more. In addition, parents have the right to question a teacher’s credentials and seek their removal. Get more information on this in the chapter on HOW TO HOLD TEACHERS AND OTHER SCHOOL OFFICIALS ACCOUNTABLE.

### **WHAT RIGHTS ARE PARENTS AFFORDED THROUGH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)?**

Parents have the legal right, via the Family Educational Rights and Privacy Act,<sup>6</sup> to inspect their child’s educational records at the school, to have them explained if necessary, to request updates and corrections, and more. Educational records include files, documents, and other material the academic institution maintains that is directly related to the student.

5 <https://achieve.lausd.net/cms/lib/CA01000043/Centricity/Domain/577/Title%20I/ESSA%20Section%201116%20%20English%20parent%20friendly.pdf>

6 <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html?src=rn>

Parents have a keen interest in their child’s physical, mental, and emotional well-being of their child not only at home but also at school. Whole Child proponents<sup>7</sup> may assert that “schools have an important role to play in raising healthy children by fostering not only their cognitive development but also their social and emotional development,” but they are misguided. The parent’s primary responsibility is to raise their children and to be the custodian of their well-being, not the school.

Parents not only have the right to request education records but also have the right to file a complaint and request amendments to education records. FERPA gives parents certain rights concerning their children’s education records. These rights transfer to the student when they reach the age of 18 or attend a school beyond the high school level. Students to whom the rights have transferred are “eligible students.”

Parents or eligible students have the right to inspect and review the student’s education records maintained by the school. For more details on this read the chapter on HOW TO REQUEST AND REVIEW YOUR CHILD’S SCHOOL RECORDS.

### **WHAT RIGHTS ARE PARENTS AFFORDED THROUGH THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)?**

Federal law protects a parent’s right to review curriculum and opt their child out of student surveys, of which may include information that is not permitted according to the Protection of Pupil Rights Amendment (PPRA).<sup>8</sup> PPRA also requires schools to inform parents about any surveys given to their students as well as give them the opportunity to opt their children out.

The Protection of Pupil Rights Amendment explicitly indicates that surveys should not include questions about Personally Protected Information (PPI) including:

- Political or religious affiliations
- Psychological problems
- Illegal, anti-social, self-incriminating, demeaning details on family members or their income level
- Sexual behaviors or attitudes

According to America First Legal, this list of PII *applies to all gender and race-related materials*. So, ensure your child’s school sends you any survey before they give it to your child.

Parents can also request to see supplemental materials or other teacher training information related to the surveys. The school is not

7 <https://patriotpost.us/opinion/92330-the-lefts-whole-child-approach-to-education-is-manipulating-your-kids-2022-10-25>

8 <https://patriotpost.us/opinion/92330-the-lefts-whole-child-approach-to-education-is-manipulating-your-kids-2022-10-25>

required to offer to show these to parents, but they must provide the information, if asked.

### **CONSENT TO DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION**

In addition, after schools collect information from students, PPRA limits how they can use it. According to America First Legal,<sup>9</sup> “certain school districts have retained survey and data mining companies. These companies sell race-focused student and teacher surveys, data management tools, and training on systemic racism and oppression, white supremacy, implicit bias, gender issues, and intersectionality, often under the rubric of Social-Emotional Learning.” Parents alone can permit releasing their child’s PII. However, the school may only release the information to a third party with authorization from the parent.

PPRA requires schools to develop and adopt policies, in consultation with parents like you, to protect student privacy and parents’ rights. And they must directly notify you of these policies or changes to them annually.

It may be a challenge to get your school to notify you about surveys and their content but you can read more about how to exercise your rights in the chapter on HOW TO REVIEW AND OPT-OUT OF STUDENT SURVEYS.

### **INSPECTING YOUR CHILD’S SCHOOL CURRICULA**

The Protection of Pupil Rights Amendment states that parents have the right to request to inspect all materials used to teach their child in school. School officials may cite “copyright” as an excuse for not sharing it with parents or claim they have no written curriculum. However, as a parent, you have a legal right to view all curricula, regardless of format or context. If they claim no hard copy is available, ask them to allow you to attend the class in question in person.

Getting your school to allow you to inspect all the materials being taught to your child may be challenging, but it is your right by law. Parents, you can exercise this right to request to see these items. And you can report it if you are denied these opportunities or your requests are ignored. Learn more in the chapter on HOW TO REQUEST TO INSPECT YOUR CHILD’S CURRICULUM.

### **WHAT RIGHTS ARE PARENTS AFFORDED THROUGH THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT?**

The Individuals With Disabilities Education Act (IDEA) was signed into law in 1975. If a parent believes his or her child has a disability or is having problems in school, the child’s teacher should be contacted to discuss these concerns. Parents play a key role by

9 <https://aflegal.org/resource/ppra/>

providing important information to schools about their child's needs, particularly for students with disabilities

An Individualized Education Plan (IEP) is one of the protections given to students and is developed with the parent. The school is responsible for ensuring the IEP is followed, even though many parents have found that schools do not maintain their child's IEP, and some express that this is one of the biggest parent complaints in school. If you are having a challenge with your child's IEP being fulfilled, consider linking arms with other parents to lodge your complaint. When parents band together, they more successfully ensure the system listens, and IEPs are followed. One other solution is to contact your local state representative for assistance.

Although we don't provide a chapter dedicated to this legislation as we do for the others above, you can learn more about IDEA at <https://sites.ed.gov/idea/IDEA-History>.

### **WHAT RIGHTS ARE PARENTS AFFORDED THROUGH THE 1964 CIVIL RIGHTS ACT?**

Simply put, the 1964 Civil Rights Act<sup>10</sup> is considered a landmark civil rights and labor law that outlaws discrimination based on race, color, religion, sex, and national origin. Moreover, since the revelation that tenets of Critical Race Theory (CRT) are being woven into the culture and lessons in school, many have cited this act as a defense against it.

### **PARENTAL RIGHTS AMENDMENT TO THE CONSTITUTION**

In May of 2022, Arizona Representative Debbie Lesko launched the Protect Our Kids Caucus in Congress. Then, in October 2022, Rep. Lesko sponsored a Parental Rights Amendment to the U.S. Constitution. A joint House resolution introduced the amendment, which has been introduced in Congress eight times in a row.

The Amendment is summarized<sup>11</sup> as amending the U.S. Constitution "to guarantee the fundamental right of parents to choose an alternative to traditional public education and make reasonable choices within public schools for their children."

It is a worthy effort to pass this amendment, though stronger federal and state legislation to define and enforce parental rights in education is equally, if not more important.

### **PARENTAL RIGHTS ACCORDING TO STATE LAW**

Parents have the fundamental right to guide the upbringing of their children, and the education system must support that right. Fifteen states currently have statutes that refer to parental rights, including Arizona, Colorado, Florida, Georgia, Idaho, Kansas, Michigan, Montana, Nevada, Oklahoma, Texas, Utah, Virginia, West Virginia, and Wyoming.

<sup>10</sup> <https://www.ourdocuments.gov/doc.php?flash=false&doc=97>

<sup>11</sup> <https://lesko.house.gov/news/documentsingle.aspx?DocumentID=2757>



Lawmakers have a personal responsibility to ensure that every child has the opportunity to succeed in the classroom and that parents can take an active role in their child's education. Thankfully, legislators around the country are stepping up and introducing bills that protect parental rights and improve education. These bills help to ensure a transparent educational system that keeps parents informed and reinforces the fundamental right of parents to make decisions regarding the upbringing and control of their children.

No parental rights bill garnered more attention than Florida's 2022 Parental Rights in Education bill. Unjustly maligned as the "Don't Say Gay" bill by media and political opponents, this bill received widespread support in the Sunshine State and owes its passage to the hard work of parents that helped push it across the finish line.

This comprehensive legislation keeps parents informed about their children's education and prohibits school districts from adopting procedures that discourage parental involvement in critical decisions affecting their student's mental, emotional, or physical well-being. These reforms are an enormous victory for Florida parents and serve as a model for other states.





# LAWS TO KNOW WHEN APPLYING YOUR PARENTAL RIGHTS

## RIGHT TO FREEDOM OF SPEECH AND RELIGION

Freedom of speech and religion are inalienable rights protected by the U.S. Constitution. The public school system is secular (non-religious), and state laws forbid public education funds from being spent on religion.<sup>12</sup> However, freedom of speech and religion are protected by the First Amendment<sup>13</sup> of the U.S. Constitution. Therefore, if it isn't distracting to other students at school, your children have the right to...

- Pray
- Bring and read religious books
- Wear clothes signifying their religious beliefs, if it does not violate student (uniform) dress code
- Talk about their faith
- Organize a religious club
- Refer to their religious beliefs in student assignments
- Miss school in observance of religious holidays

## PARENTAL RIGHTS AND THE COURTS

Until 2000, the Supreme Court consistently upheld parental rights, referring to this culmination of the Court's rulings as The Parental Rights Doctrine. Here are some of the Court's opinions<sup>14</sup> that resulted in its historical Parental Rights Doctrine:

***It is the natural duty of the parent to give his children an education suitable to their station in life.*** - *Meyer v. State of Nebraska*, 262 U.S. 390 (1923)

*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.* - *Pierce v. Society of Sisters*, 268 U.S. 510 (1925)

*It is cardinal with us that the custody, care, and nurture of the child*

12 <https://www.ecs.org/wp-content/uploads/2016-Constitutional-obligations-for-public-education-1.pdf>

13 [https://www.law.cornell.edu/constitution/first\\_amendment](https://www.law.cornell.edu/constitution/first_amendment)

14 [https://parentalrights.org/understand\\_the\\_issue/supreme-court/](https://parentalrights.org/understand_the_issue/supreme-court/)

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

## **PARENTAL RIGHTS AND THE COURTS CONTINUED**

The values of parental direction of the religious upbringing and education of their children in their early and formative years have a high place in our society. Even more markedly than in *Prince*, therefore, this case involves the fundamental interest of parents, as contrasted with that of the State, to guide the religious future and education of their children.

The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children.

***This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.*** - *Wisconsin v. Yoder*, 406 U.S. 205 (1972)

***This Court has long recognized that freedom of personal choice in matters of marriage and family life is one of the liberties protected by the Due Process Clause of the Fourteenth Amendment.***  
- *Cleveland Board of Education v. LaFleur*, 414 U.S. 632 (1974)

***Our decisions establish that the Constitution protects the sanctity of the family precisely because the institution of the family is deeply rooted in this Nation's history and tradition. It is through the family that we inculcate and pass down many of our most cherished values, moral and cultural.*** - *Moore v. East Cleveland*, 431 U.S. 494 (1977)

***The liberty interest in family privacy has its source, and its contours are ordinarily to be sought, not in state law, but in intrinsic human rights, as they have been understood in "this Nation's history and tradition."*** - *Smith v. Organization of Foster Families*, 431 U.S. 816 (1977)

***We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected. We have little doubt that the Due Process Clause would be offended "if a State were to attempt to force the breakup of a natural family, over the objections of the parents and their children, without some showing of unfitness and for the sole reason that to do so was thought to be in the children's best interest."*** - *Quilloin v. Walcott*, 434 U.S. 246 (1978)

The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions. More importantly, historically it has been recognized that natural bonds of

affection lead parents to act in the best interests of their children.

The statist notion that governmental power should supersede parental authority in all cases because some parents abuse and neglect children are repugnant to American tradition.

**Simply because the decision of a parent is not agreeable to a child or because it involves risks does not automatically transfer the power to make that decision from the parents to some agency or officer of the state.** - *Parham v. J. R.*, 442 U.S. 584 (1979)

The fundamental liberty interest of natural parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life.

**Until the State proves parental unfitness, the child and his parents share a vital interest in preventing the erroneous termination of their natural relationship.** - *Santosky v. Kramer*, 455 U.S. 745 (1982)

“The best interests of the child,” a venerable phrase familiar from divorce proceedings, is a proper and feasible criterion for making the decision as to which of two parents will be accorded custody. But it is not traditionally the sole criterion—much less the sole constitutional criterion—for other, less narrowly channeled judgments involving children, where their interests conflict in varying degrees with the interests of others.

**“The best interests of the child” is not the legal standard that governs parents’ or guardians’ exercise of their custody: So long as certain minimum requirements of child care are met, the interests of the child may be subordinated to the interests of other children, or indeed even to the interests of the parents or guardians themselves.** - *Reno v. Flores*, 507 U.S. 292 (1993)

**In a long line of cases, we have held that, in addition to the specific freedoms protected by the Bill of Rights, the “liberty” specially protected by the Due Process Clause includes the rights . . . to direct the education and upbringing of one’s children.**

**The Fourteenth Amendment “forbids the government to infringe ... ‘fundamental’ liberty interests of all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest.”** - *Washington v. Glucksburg*, 521 U.S. 702 (1997)

As demonstrated in the opinions above, the Court’s Parental Rights doctrine was interrupted by the split decision in *Troxel v. Granville*. This may indicate a trend away from protecting parental rights in light of *Troxel*’s confusing legacy.<sup>15</sup> (See also the North Dakota example).

15 [https://parentalrights.org/understand\\_the\\_issue/supreme-court/](https://parentalrights.org/understand_the_issue/supreme-court/)

Another concerning example of this trend may be seen in the 2005 Ninth Circuit Court of Appeals decision found in *Fields v. Palmdale School District* that stated: “that the Meyer-Pierce right [of parents to direct the upbringing of their children] does not exist beyond the threshold of the school door.” The court stated, “We conclude that the parents are possessed of no constitutional right to prevent the public schools from providing information on the subject [of sexuality] to their students in any forum or manner they select.”

### **LOWER COURTS AND TITLE IX**

On December 30, 2022, a ruling was made by the 11th Circuit Court concerning transgender biological boys using the girls’ restroom. First, it affirms that Title IX - a US Department of Education policy on the definition of sex - does not include “gender identity.” The ruling also states that the equal protection clause in the 14th Amendment to the Constitution does not authorize transgender identifying students to use the facilities of the opposite sex.

Congress originally enacted Title IX as a part of the Education Amendments of 1972. It required that no person be subjected to discrimination based on sex under “any education program or activity receiving Federal financial assistance.”

Title IX is historically best known for its role in preventing sexual harassment on campuses and the participation of women in sports. Now the Biden administration is working on modifying the language in Title IX to include sexual orientation and gender identity for LGBTQI+ students.

Hopefully, you now better understand your rights as a parent thanks to federal and state law and the courts. In the following sections, BEST will continue to educate and empower you to act on these various statutes to confidently stand up for your rights and address your school officials.



# HOW TO BE PREPARED TO EXERCISE YOUR PARENTAL RIGHTS EFFECTIVELY

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Understanding your parental rights is the first step to exercising your rights! Reading over the previous chapter on ‘Parental Rights According to Federal and State Law and the Courts’ will provide you with a solid foundation of basic knowledge for exercising your rights.

Check out the short reels on our FreedomWorks BEST YouTube channel for a 60-second version of what the law and the courts say about your rights. This will help educate you when you are asked – or challenged – when taking steps to exercise your parental rights.

Now that you have armed yourself with the facts about your rights, it is vital to understand the land mines that lay ahead as you step out to exercise them. First and foremost, remember that it is worth fighting for your child to have the best education experience possible. Still, as in any effort, knowing what you are up against is important. So allow the items below to help shape your approach and help you count the cost of your actions.

## **WHAT DOES YOUR FAMILY THINK?**

If you have a spouse, it is recommended that you talk with them about your plans to exercise your parental rights. Ideally, they will agree and join you in some of the efforts. If not, having their agreement is better than not. In some instances, they may not agree with taking action. That is important to understand and determine what your efforts will be as a result.

They may agree but not be interested or available to join you. Be sure and surround yourself with others who can engage with you, and together you can lend one another support, input, and encouragement. (For more on this topic, see the chapter on HOW TO LEVERAGE PUBLIC RELATIONS & COMMUNITY ENGAGEMENT.) It is important to know who your supporters are. Going it alone is sometimes necessary, but having some support is preferable.

## **WHAT DO YOUR KIDS THINK ABOUT YOUR EFFORTS?**

Ideally, prepare your children before you begin your efforts. It’s a good idea to communicate regularly with your school-age kids to talk about the biased agenda in schools, how to navigate it, and how to stand up for their rights politely.

Continually discuss what you are up to and how you handle pushback, so your children aren’t embarrassed but empowered to respect and adopt your family’s values.

Below are some considerations about various people that



your efforts may impact. Even if you don't think one of these subheadings applies to you, you may want to read through it anyway. In addition, each section contains tips that may apply to your efforts well beyond the heading!

### **HOW MIGHT TEACHERS OR ADMINISTRATORS REACT TO YOUR INVOLVEMENT?**

Teachers may feel pressure to go along to get along when it comes to the various agendas being pushed on them. Keep this in mind as you approach your child's teacher, respectfully and sympathetically, with your concerns and requests. Don't be afraid to talk with them because you deserve to be heard and to experience the rights according to ESSA, FERPA, and PIPRA, which may involve engaging directly with the teacher. Try to approach your child's teacher with empathy and the belief that they have your child's best interest at heart when making requests and sharing concerns. And take a similar approach with school staff and administrators as well. When you sincerely give someone the feeling that you believe the best about them, they are more likely to listen and help you out.

### **COMMUNITY BACKLASH**

The first thing you should consider is that you may get backlash from other parents in the community. The person or people lashing out at "you" or your group are more than likely being coached to try and shut down your efforts, or they potentially feel threatened by your position because they are deep down not secure in their thinking. Whatever the case, stay rational and respectful - even with those who are the most offensive. If you decide to respond, model respectful dialogue in a civil society. Or stay silent and not respond to their taunts and accusations. That can be very powerful as well. And remember, as stated above - don't take it personally.

### **IF, AT FIRST, YOU DON'T SUCCEED, TRY, TRY AGAIN**

At BEST, we know that many parents nationwide have attempted some of the How To's in this guide without success. Still, after you learn more about your rights, you have counted the cost, and the considerations above do not dissuade you; you are ready to move forward and assert your rights. As you do, here is a suggested mindset to bring into your efforts:

- It will likely take more than one attempt or approach to succeed with the How To's in this manual. Or even if you find that you are unsuccessful, there is still value in your efforts. You are part of a movement to push back against the policies in schools and districts that do not support your rights, and that is a worthy effort regardless of the outcome.
- As you take the How To steps in this guide, it is essential to document your experiences and share them with others and with BEST. With the catalog of parent experiences from around the country, we can all learn, make adjustments, strategize and experience more success moving forward.

# HOW TO LEVERAGE PUBLIC RELATIONS & COMMUNITY ENGAGEMENT

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## PARENT PUBLIC RELATIONS

In short, public relations is about cultivating and maintaining a favorable image with your community. In today's polarized society, this can be a challenge at the local level in schools and on district boards. Still, it is a worthy challenge. After all, parents have more motivation and passion than anyone else to fight for traditional academics to return to the classroom.

As a parent, you may take on the challenge and speak out against the biased or politically charged agenda you are seeing in your child's school. Or maybe you tried talking to your child's teacher, principal, or at a school board meeting and felt your concerns fell on deaf ears. However, there is a more effective way you can take your stand and potentially make a more significant impact.

## THERE IS STRENGTH IN NUMBERS

This old saying holds true when fighting against injustice and divisive cultural ideologies in our schools. But, unfortunately, when you act alone, sharing your concerns over biased curricula with a teacher, principal, or district board member – especially in private – you likely diminish the possibility of any action being taken to right these wrongs in the classroom. Why? Because school officials are routinely beholden to those who dictate to them to support the new status quo.

However, joining other courageous and like-minded parents and presenting your concerns in a public or group setting makes you more likely to be heard. Adding additional tactics to your strategy may also help echo your message further and wider, which could create a bandwagon effect and help you achieve your desired outcome. As a group, you can also stand together, take your message to social media, gain local media attention, and more.

## ATTITUDES MATTER

Below we will provide some examples of public relations tactics to leverage your impact in your community, hopefully bringing much-needed change in your schools. However, before you dive in and help spearhead or organize these activities, here are some tips for keeping an attitude that is effective in your goal to bring change versus one that is counterproductive. These tips should be applied to all your related communications and conversations and pave the way for a more effective outcome.

Resist the urge to express your anger over the circumstances. Instead, deal with your frustration by conversing with a friend or

family member. Be polite and respectful when communicating your concerns, even if you don't respect the other person you are talking to. Expressing anger and disrespect will close the door to persuading or moving that person forward in sharing your concern.

As mentioned, go strategically with a group of three or five to talk to a school board member, principal, or teacher. Make a plan including steps to take to reach your desired outcome. Determine your outcome goals and decide who is going to say what. After you make your case and share your desired outcome goals, ask key questions to "force" a response. If it is legal in your state to secretly audio record the conversation, consider doing so. Let them know that you all will be following up and sharing about the meeting with other parents and community leaders about your meeting. This will help hold the school officials accountable, which gives you more leverage to drive toward change.

## TAKE ACTION STEP 1: HOW TO BUILD A COMMUNITY COALITION

*In many communities, parents speaking up is a new experience as school boards and special interest groups have had complete control for decades. However, parents have far more power than they realize. The following are ways to unite and hold school districts and their boards accountable.*

**Social media:** *This is a free option. You can start your own page on social media that allows parents and fellow constituents to support your cause and share ideas on how to fix an issue within your school district. Always have a variety of voices representing different angles and stories related to your cause.*

**Print Media:** *Some parents have also taken time to write an op-ed (opinion piece in the print or online newspaper, also called an editorial) to share their concerns. It is a great way to inform others of what is happening in your district and get them to join forces with you. The newspapers welcome these pieces for consideration to be included in their Editorial Sections and may even assign a writer to do a story on your topic.*

**Coffee Chats:** *Create an event at a local coffee house, community center, or private home to present issues and discuss ways to fix such problems.*

**Park Playdates:** *Inviting busy moms, especially those with younger children, to meet at a local park is a great way to get more people in attendance. Most moms want to be more involved but are busy caring for their children. This is a great alternative way for them to join the cause.*

**Ads and Billboards:** *Some parents have pooled money to pay for ads and billboards to get the school board's attention and allow other parents to unite with their cause.*



**Speak to Local Business Leaders and Companies:** Feel free to expand your cause to others in your community, including businesses. Some of the business leaders in your area may need to be made aware of what is happening. You can ask for a meeting or send an email. Create an informative flier for your cause and coalition and ask them to display it. Contact the Chambers of Commerce and ask if you can speak at one of their meetings.

**Meet with Your Local Leaders:** Elected officials are always looking for an opportunity to meet with constituents. Take time to reach out to your city council and congressional members to share your story with them. It is a great way to inform them of what is happening and ask them to write a letter supporting your cause. It is essential to speak to your representatives at the state level as they make the decisions that impact education for your state. Also, please know that many times, it is the staff who will meet with you. This is just as important to meet with them as they advise the elected official on votes and what is happening in the community.

**Here are a few rules to remember when meeting with elected officials:**

**Always** be polite and kind regardless of if they agree with your cause.

**Ask** for an email for follow-up.

**Send** a thank you note.

See also the BEST Parent Empowerment Toolkit for more about engaging with your school board which can be found at <https://parentsknowbest.com/resources>

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## TAKE ACTION STEP 2: HOST A PARENT-LED PRESS CONFERENCE

Holding a press conference to express your school related concerns as parents is a great public relations option. As a Mom or Dad of school-aged children, you may think holding a press conference is outside your realm, or that you need to be with an organization or professional group to write a press release and invite the media to your event. Yet, that couldn't be further from the truth. BEST has helped many parent leaders host successful press conferences to amplify their message in the media. With BEST's guidance, you, too, will see how easy and effective this method can be.

In this section, we will help you (or your group) gain the confidence to put unwanted public pressure on your local school district administrators or elected officials by getting your story and experience in the media.

## WHY HOLD A PRESS CONFERENCE?

A press conference provides an opportunity to speak directly to the media on a topic of interest to your group of concerned parents and the public. The media will likely attend your press conference if your message is timely and relevant. If they come, they may write a story for a local newspaper or air the footage they record at your event on local TV. This will expose your message to the general public in your city or town, which may result in public pressure on your local school board or district regarding this issue of concern.

## MEDIA INTERVIEWS

Remember the importance of being cautious when interacting with the media. If the media interview you, be prepared to:

- Write out your talking points ahead of time
- Go over them to keep them in mind
- Consider refraining from answering a question you don't want to answer. Do not say you don't want to answer it; instead, pivot toward your talking points.

Remember, you don't have to talk about something outside of your talking points. However, follow the instructions above, be prepared, and always smile and express interest in your interviewer. Be courteous and kind even if the media members are not on your side.

This type of public pressure can be an excellent tactic for moving on-the-fence school board members, the district superintendent, or other school officials into your camp and to keep those already supporting you focused on your concerns.

## BEGIN TO PLAN & PREPARE NOW

To have a successful press conference, you must plan and prepare for the event, correspond with invitees, and send out a press release. Here, we will walk you through these steps and explain how to write a press release, to whom you should send it, and when.

## TEN STEPS FOR PLANNING AND EXECUTING A SUCCESSFUL PRESS CONFERENCE

### 1. DETERMINE WHO WILL SERVE AS THE PRESS CONFERENCE COORDINATOR AND ON THE SUPPORT TEAM.

- Select trusted allies to help who are knowledgeable on your current issues and have the time to devote to planning and executing their to-dos.
- Who will be the main point of contact for the media?
- Select and assign the various tasks below to members of your support team.

**2. DETERMINE THE PURPOSE OF THE PRESS EVENT.**

- Clarify the issue(s) that are the focus of the press conference.
- Determine talking points and share these with all speakers, so there is unity in the message from different speakers.
- Include these talking points in the press release.
- Note: Take back the talking points of the opposition. For example, if you are standing against CRT in schools, ensure that you use language that shows your sincere support for ALL students and that you stand for equal opportunity for all kids, etc.

**3. DETERMINE THE LOCATION FOR THE PRESS EVENT AND ENSURE ZONING LAWS ARE FOLLOWED.**

- For example, if you plan to hold your conference near or “in front of” a school or school district building, determine whether or not you are allowed to be on the property.
- Or if the event must occur on or near the sidewalk on public property.
- Ensure relevant officials are notified.

**4. ORGANIZE AND COORDINATE SPEAKERS.**

- Invite five parents to speak at the event as approved by the coordinator.
- Determine speaking topics and order of speakers.
- The event coordinator should speak first and close out the press conference.
  - All speakers should line up on each side of the podium or event coordinator in their speaking order, and each has three to five minutes to speak.
  - Provide emails to speakers to communicate all the details above, as well as the press conference’s date, time, and location.
  - Event coordinator to determine if they take press questions.

**5. SECURE ALL ELEMENTS NEEDED AT THE EVENT, INCLUDING**

- A microphone and sound system. A podium is great to have if possible.
- Coordinate signs.
  - What slogans do you want on your signs?
  - Coordinate hand-making or printing of signs (BEST has various sign designs on their website at [parentsknowbest.com/resources](http://parentsknowbest.com/resources)). Coordinate who will

distribute the signs at the event to be held by community members lined up behind and to the sides of the main speaker(s).

- Place the main branding sign on the front of the podium if you have one.
- Coordinate invited attendees.
  - Have a minimum of 15 people on either side of the speakers.
  - Send several emails with information and reminders to attendees, including speakers.
  - Confirm attendance.

**6. COMMUNICATE REGULARLY REGARDING EVENT DETAILS VIA EMAIL AND CALLS WITH COMMITTEE MEMBERS, SPEAKERS, AND ATTENDEES.**

**7. CREATE AND DISTRIBUTE THE PRESS RELEASE ANNOUNCING THE EVENT. (SEE SAMPLE PRESS RELEASES BELOW)**

- Create a spreadsheet of key local media contacts. Google local newspapers and TV stations and look for their news desk email. You can also call them and ask who should receive the press release.
- Draft the press release and have it approved by the coordinator. (We at BEST are happy to look at it, too).
- Email out the press release 24-48 hours before the event.
- Make follow-up calls to see if the media plan to send someone out for the event.
- Field press calls about the event.

**8. DAY OF THE PRESS EVENT**

- Ensure that signs are distributed and people speaking and standing on the sides of the main speaker/podium are arranged.
- Connect with the media as they arrive and inform them regarding interviews. Note that the media are free to talk to people attending the event; however, ensure they know the spokesperson for the event.
- Determine whether questions are asked by the press en masse or one on one before and after the event.
- Start and end on time.
- After the designated speakers conclude, your point person will need to wrap up the conference.

## 9. DAY AFTER THE EVENT.

- Follow the local media to collect links to all media coverage.
- Share all media links via email or text with those who spoke and stood with the speakers.
- Encourage people to share media coverage on social media.
- Understand that any photos the media takes of you during your press conference may end up on national news and be used for years. Don't let this deter you, but understand this is a possibility.

## 10. ONGOING

- Ensure that the event coordinator and committee continue to follow reactions by detractors and supporters and respond when necessary or helpful.
- Watch for negative media or social media reactions and respond when possible with predetermined talking points.
- Stand firm and be polite regardless of adverse reactions by teachers, administrators, union members, etc.

## TAKE ACTION STEP 3: HOST A PARENT RALLY

Organizing and hosting a parent rally is similar to a press conference; however, you are not targeting the media to attend and cover your event. The press may hear about your event, and some may choose to be present and cover the event. However, a parent rally targets fellow moms and dads in your school and district. The rally's goal is to inform other parents by providing specific information and personal stories about what is happening in the school that they may not be aware of.

You can use much of the outline for a press event to plan your parent rally. However, remember that your goal is to educate parents and the community about what is happening in schools. So you will want to ensure that your parent presenters are credible and well-spoken as they share topics. You may also want to invite respected local leaders who agree with your concerns to address the crowd.

Be sure and select a location for your event that is well-known and easily accessible. In addition, you will want to create a flyer for your event, circulate it, and send out email invites.

## SAMPLE 1:

**Contact:**

Missie Activist  
817-770-0000  
texas@nomail.com

**FOR IMMEDIATE RELEASE**

Monday, June 21, 2021

**Fort Worth Parents and Students to Host March in Opposition to Fort Worth Independent School District's Focus on Ideology Over Academics**

**FORT WORTH, TX** -- in response to the Fort Worth Independent School District's (FWISD) lack of focus on improving academic achievement for students, local parents and members of the community will host a march on Tuesday, June 22, in opposition to the district's focus on teaching political ideologies over academics. This Tuesday night, the school board has an opportunity to reverse the downward trend in academic success by holding Superintendent Kent Scribner for putting ...

## SAMPLE 2:

**Contact:**

Amy Carney  
714-342-0000  
amy@amycarney.com

**FOR IMMEDIATE RELEASE**

Monday, May 24, 2021

**Scottsdale Parents Statement in Response to the Scottsdale Unified School Board's decision to reconvene the board meeting virtually.**

**SCOTTSDALE, AZ** -- in response to the Scottsdale Unified School District board's decision to reconvene the Tuesday, May 19th, 2021 meeting virtually, Amy Carney, Scottsdale Unified School District mother of 6, commented, "The board won't be there, but we the parents will be! These are our kids and our schools. The governing members were elected to represent our children's best interest but have disappointed the parents time and time again."

"We have had enough and demand full transparency from our school administration and governing board. Hiding behind a video screen in order to avoid facing frustrated parents because of their incompetent decision making is reason enough that every one of these board members should resign immediately..."

# HOW TO VISIT OR VOLUNTEER IN YOUR CHILD'S SCHOOL AND CLASSROOM

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Under the guise of Covid-19 protocols, school safety measures, or staff shortages, parents are finding it more difficult to visit or volunteer at their child's school today. As locked-down school buildings have become the new norm, we see moms and dads across the country without access to their child's classrooms or school grounds. Yet, parents must have opportunities to be a part of their child's educational experience if they so desire.

In the chapter on Parental Rights According to Federal Law, we discussed the Every Student Succeeds Act (ESSA) which clearly states that parents are guaranteed "parent-teacher conferences, reasonable access to staff, and opportunities to volunteer, participate and observe their child's classroom." This is all part of the goal to achieve high student achievement per ESSA, which the law states include parental involvement in their child's education at school.

Studies have shown<sup>1</sup> that parental involvement at school results in their children adapting well, showing improved behavior and demonstrating better social skills, earning higher grades and test scores, being promoted, passing classes and earning credits, enrolling in higher-level programs, and more. When parents help in the classroom or with other activities their child is involved in, they demonstrate to their kids that their school efforts and experience are important. Parents who participate by visiting or volunteering in school activities say to their child and their educators, "What you do here matters to me, too. I am here to support you!"

## **KNOW YOUR DISTRICT VOLUNTEER PROCEDURES AND PROTOCOL**

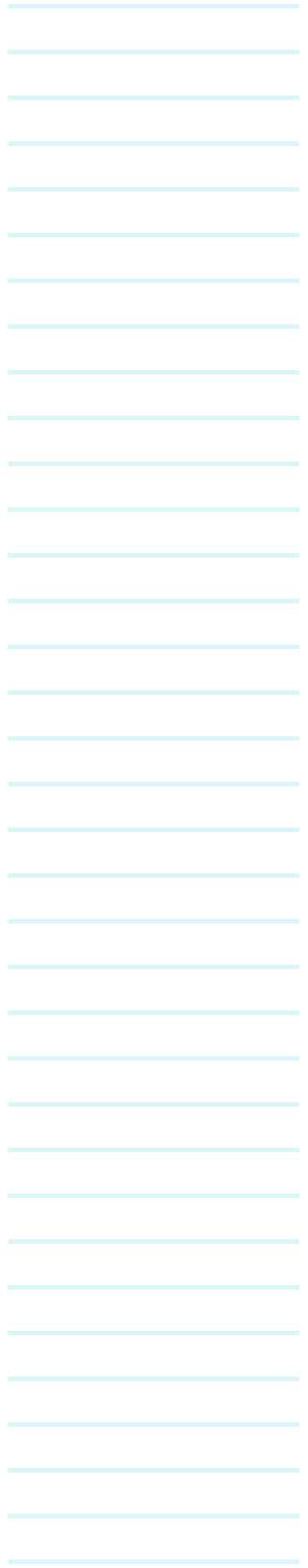
As mentioned earlier in this chapter, federal law states that volunteering at your child's school or in the classroom is one opportunity afforded to you as a parent. During COVID, parents' presence at the school or in the classroom was blocked based on emergency powers exercised in the name of the pandemic.

Volunteer guidelines differ between schools and districts and may involve varying levels of red tape. Some schools require applications, medical documentation, fingerprinting or criminal background checks. In addition, some schools don't allow parents to volunteer in their child's classrooms at all.

A variety of policies - or even state law(s) - can dictate visitors

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1 [https://www.cypsd.org/apps/pages/index.jsp?uREC\\_ID=2042779&type=d&pREC\\_ID=1117815](https://www.cypsd.org/apps/pages/index.jsp?uREC_ID=2042779&type=d&pREC_ID=1117815)



in schools. In this case, parent volunteers may be categorized as visitors. Therefore, it is important to look at state education laws in your state that may address school visitors and parent volunteers and googling that for your school district or specifically for your child's school.

How volunteer and visitor requirements differ around the country.

## **SAMPLE 1:**

### **LEBANON CITY SCHOOLS IN OHIO**

#### **STEP ONE: FINGERPRINTING:**

You must schedule an appointment with the Warren County ESC to be fingerprinted. Click [HERE](#) for information on how to schedule an appointment, cost, times, and location.

#### **STEP TWO: WAIT FOR YOUR BACKGROUND CHECK TO ARRIVE IN THE MAIL:**

ALL Volunteer Background Checks will be mailed to your home address. Once you have your background check, please [CLICK HERE](#) to make an appointment to have your photo taken for your ID. Please bring your background check along with your driver's license to the LCS Central Office located at 160 Miller Road, Lebanon, Ohio. During this visit, you will be asked to sign the LCS Board Policy for Volunteers.

#### **STEP THREE: BOARD APPROVAL:**

- All volunteers must be Board approved prior to volunteering.
- Your name will appear on the next scheduled LCS Board Agenda to be approved as a Lebanon City Schools volunteer.
- The Lebanon City School Board Meetings are held on the third Monday of every month. You must complete all steps at least ten days before the Board Meeting to be approved. You do not have to be present at the Board Meeting to be Board approved.
- ID Badges will be issued only after the steps above have been completed and you have been Board approved.
- These three steps must be repeated every five years.

#### **STEP FOUR: PICK UP YOUR VOLUNTEER BADGE:**

- ID Badges will be available for you to pick up



the day after the LCS Board Meeting at Central Office.

- All badges that have not been picked up by the end of the school year will be discarded. If a replacement badge is requested, then it is the badge holder’s responsibility to pay for the cost of the replacement.
- If you have lost your badge and need a replacement, you will be charged for the replacement at a District determined cost. Must be paid with exact change - cash only. Payment must be received prior to a duplicate badge being made.

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### SAMPLE 2:

#### **COLORADO’S ACADEMY SCHOOL DISTRICT 20**

This district has a general board policy related to school visitors. All visitors are to report to the school office immediately when entering a school. Authorized visitors [presumably parents who have signed up to volunteer, etc.] shall present photo identification and:

- Sign in and out
- Wear name tags, identifying themselves as visitors
- Be accompanied by a district employee for some or all of the visit

School administrators may approve additional building procedures pertaining to school visitors.

#### **THE NATIONAL EDUCATION ASSOCIATION ENCOURAGES PARENT VOLUNTEERS**

Finding agreement with the National Education Association (NEA) can be challenging; however, they claim to support parent volunteers for educators. Citing the overwhelming workload of teachers, the NEA encourages teachers to plan how parents can help and encourage them to do so.

The NEA lists these items for teachers to consider:

- Create opportunities to allow volunteers to lessen your workload
- Tap into your parents’ talents
- Have specific tasks for volunteers to do when they show up to help
- Understand that not all parents can donate time during the day
- Recognize that volunteers aren’t always parents

## WHAT IF YOU ARE NOT PERMITTED TO VOLUNTEER?

Some of you may be frustrated reading this chapter because your school has a volunteer policy in place, and you still are not allowed on campus at your child's elementary school. So what can you do if parents are not authorized or approved to be on their child's school campus?

### HERE ARE SOME STEPS YOU CAN TAKE:

1. Print out the online volunteer policy from your school or school district.
2. Read through it carefully to ensure there aren't any exceptions for volunteering at your school or in the classroom at your school.
3. If there are not, contact your school office, or better yet, stop by in person and ask to speak with your child's teacher or the assistant principal.
  - a. They may ask what the meeting is about.
  - b. In your response, be polite and concise. For example, mention that you'd like to chat about the policy related to scheduling parents to volunteer in the school or the classroom.
  - c. The office personnel may need to set up the time for the meeting, and you will have to come back.
4. Remember that the district staff (possibly the Superintendent's office) may have delegated the rules around school visitors to the Head of Security for all schools in the district. If you can, find out if this is the policy and where the written policy can be found.
5. After attempting to visit with the teacher or assistant principal either without response or without success, go to the school board.
  - a. Go to the district website and sign up to speak at an upcoming board meeting. Plan to share the federal law around volunteering in school and the school or district policy.
  - b. Share your concerns that the local policy does not support federal law, etc.
  - c. Follow the guidelines for speaking at a school board meeting in this guide's section on school officials.

Reach out to [connect@parentsknowbest.com](mailto:connect@parentsknowbest.com) with any questions or concerns you are having with volunteering or visiting your local schools.

# HOW TO REQUEST AND REVIEW YOUR CHILD'S SCHOOL RECORDS

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There are many reasons why periodically reviewing your child's school records is important. Parents should make an effort to know what information about their child is on file with the school and check to make sure the information is correct and up to date.

In addition, you have the right to inspect all written or digital records with information about your child. If it has been recorded by any means by a teacher, school official, staff, or subcontractor, and it is regarding your child, according to the Family Educational Rights and Privacy Act (FERPA), you deserve to see it. And you can also request to amend your child's school records.

## YOUR PARENTAL RIGHTS ACCORDING TO FERPA

Schools that receive federal funds must comply with FERPA, which we discussed in the chapter on Parental Rights According to Federal Law.

Under FERPA, you have the right 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.

**Note:** FERPA's protections have their limits. For instance, files created by school police concerning your child are not considered "education" records under FERPA. This is true even if the information in the file is based on the same incident that led to school disciplinary proceedings, which will appear in the student's education record. In addition, if there is a court order for a parent not to have access to a student's record, that can be verified by a school official and should have been communicated in writing to the parent(s) or guardian.

For more information about FERPA, contact the U.S. Department of Education Family Policy Compliance Office ([www.ed.gov](http://www.ed.gov) - type "FERPA home" in the search box).

## WHAT'S IN YOUR STUDENT'S SCHOOL RECORD?

Records maintained by the School and the District may include...

- directory information about your child, such as address, phone number, and other typical information that appears in school yearbooks
- personal identifying data like student's birth date, social security number, parents or guardians' names, and contact information
- attendance records, courses taken, grades, awards, and other academic information
- standardized achievement test scores
- school disciplinary actions taken against your student and the reasons for those actions
- medical and health records such as immunization records and medication administered at school
- reports of psychological testing
- teacher or counselor observations
- special education records, including individualized education programs (IEPs)
- participation in academic and other school activities
- generally, previous school records accompany students when they move or transfer to new schools, as well

### **HOW TO ACCESS YOUR CHILD'S SCHOOL RECORDS**

Obtaining copies of your child's school records should be straightforward. First, however, you will need to learn your school's process and procedures for doing so.

Or the best place to start is by asking your child's school principal about the location of your child's various files or records. (You may also be required to sign an official release to receive the records.)

These may include...

- **Cumulative file-** The school principal will most likely have your child's cumulative file containing little more than personal identification data, academic achievement levels, and some teacher reports.
- **Confidential file-** A student's confidential file is also accessible to parents and may be held at the school or in a central administrative office where special education program offices are located. Your child's confidential record should include reports written as a result of any school evaluation; medical records that you have released; reports of independent evaluators; eligibility committee meeting notes; your child's IEP, and many times, communications between you and school personnel.

- **Discipline file-** Some schools may maintain a separate file regarding discipline issues involving suspension or expulsion. (Check if this is where your school puts any reports from police or school resource officers).
- **Compliance file-** Some school districts keep the reports of eligibility meetings, communications between the parents and school officials, and other documents in a separate compliance file. The contents of the compliance file demonstrate that the school system has met the regulations required by IDEA (Individuals with Disabilities Education Act.)

**TO ACCESS YOUR CHILD’S EDUCATIONAL RECORDS, YOU SHOULD:**

- Request in writing (can be done by email) to inspect and review any educational records. Be sure to keep a copy of the request.
- Include examples of the types of records and files that you are requesting from the above lists.
- 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.

**SAMPLE EMAIL / WRITTEN COMMUNICATION:**

Name of the Person to whom You’re Writing

Title  
Street Address  
City, State, Zip Code

Dear (person’s name),

I am writing to schedule a time to come and review all of my child’s records. My son/daughter, (child’s name), is in the (\_\_\_) grade at (name of school), in (teacher’s name) class. I may need copies of some or all of these records as well.

Please let me know where and when I can come in to review the records. I would like these records by (date). You may reach me during the day at (give your phone number).

Thank you for your assistance.

Sincerely,

Your name

Street Address  
City, State, Zip Code  
Daytime telephone number  
Email Address

## YOU HAVE YOUR CHILD'S RECORDS - NOW WHAT?

Now that you have access to your student's records, you should remember a few things. If the school did not do so for you, make copies of the official school records, and keep them in a file at home. (You may have to pay the school a small fee to make copies of the original documents.) Be sure to note the date received as well. If the school changes something in your child's records, you can easily access your copy and catch any discrepancies.

Having your own copy of the records can also help you make notes of anything that you may want to get altered or corrected later.

*Do you feel anything needs to be corrected?*

*Is your child misrepresented?*

*Is anything missing that you think should be included?*

**Remember:** Federal law does not require school systems to create education records, nor does it require schools to maintain education records unless there is an outstanding request by a parent to inspect and review the records.

## WHO CAN ACCESS STUDENT SCHOOL RECORDS?

- Without the written consent of the parent, schools cannot disclose student records except for:
- School officials who have a specific educational interest in the records (including schools and colleges)
- Financial aid officials
- Authorities in the state's child welfare or juvenile justice system
- Anyone who has a court order or subpoena for the records

The school is obligated to keep a record of all parties who have accessed your child's educational records that are collected, maintained, or used under IDEA (except for parents and authorized employees of the school.) This record must include the name of the person who had access to the child's records, the date, and the purpose for which the person was authorized to use the records.

## HOW TO REQUEST CHANGES IN SCHOOL RECORDS

What if you find something in your child's record that is concerning, wrong, or that you foresee possibly being a problem down the road? FERPA gives parents the right to request changes if something in the record is inaccurate, misleading, or violates the student's privacy rights. FERPA does not provide the right to challenge disciplinary decisions or grades reflected in the record, though.

You can ask school officials to:

- Remove the faulty information from your child’s file or amend the records
- Add materials you provide to the file, or
- Clarify for you the deficiencies you see in the file

Parents are entitled to a hearing if the school refuses to make the requested changes.

**LOOK FOR YOUR SCHOOL BOARD’S POLICY AND REGULATION ON PARENTAL ACCESS TO STUDENT RECORDS**

*In Arizona, the Scottsdale Unified Governing Board Regulations for Policy JR on Student Records states:*

**STUDENT RECORDS**

Required student records (regular and special education) will be prepared in a manner consistent with the laws and the requirements of the Uniform System of Financial Records (U.S.F.R.). Retention periods and disposition of records shall be as specified in the U.S.F.R.

The District will comply with the provisions of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA), the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT), and the No Child Left Behind Act of 2001 (NCLB) in the establishment, maintenance, correction, and disposition of student records.

The Board directs the Superintendent to establish procedures for such compliance, including informing parents, students, and the public of the contents. The Superintendent will implement procedures as required by law and will establish procedures for dealing with violations.

If a parent or eligible student believes that the District is violating the FERPA, that person has a right to file a complaint with the U.S. Department of Education. The address is:

The Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605  
Telephone number: (202) 260-3887

In adopting this policy it is the intent of the Board that the policy and related procedures be implemented immediately. Copies of the policy and procedures will be available for parent and eligible student review in the office of each school and in the Superintendent’s office.

## **CONFIDENTIALITY**

The right to inspect and review education records and the release of or access to such records, other information, or instructional materials will be consistent with federal law in the Family Educational Rights and Privacy Act, Title 20, United States Code, sections 1232g and 1232h, the USA PATRIOT ACT, NCLB, and with federal regulations issued pursuant to such act.

## **ANNUAL NOTIFICATION**

Within the first three (3) weeks of each school year, the District will publish in a District communication a notice to parents and eligible students of their rights under the FERPA and this procedure. This notice will also be provided to each parent of new students enrolling after school begins [34 C.F.R. 99.7]. The District will arrange to provide translation of the notice to non-English-speaking parents in their native language or mode of communication [34 C.F.R. 300.561]. The notice shall inform the parents of:

- The right of the parent or an eligible student to inspect and review the student's education records.
- The intent of the District to limit the disclosure of personally identifiable information contained in a student's education records except by the prior written consent of the parent or eligible student or under certain limited circumstances as permitted by the FERPA, the USA PATRIOT Act or the NCLB Act.
- The right of the parent or eligible student to seek to correct parts of the school education records that the student or the parent believes to be inaccurate, misleading, or in violation of student rights. This right includes the right to a hearing to present evidence that the record should be changed if the District decides not to alter it according to the parent's or eligible student's request.
- The right of the parent or eligible student to file a complaint with the U.S. Department of Education if they believe the District has violated the FERPA.
- Parents and eligible students have the following rights under the Family Educational Rights and Privacy Act (FERPA) and this procedure [34 C.F.R. 99.7 and 300.561]. The notice shall also include:
  - The procedure for exercising the right to inspect and review education records.
  - The procedure for requesting amendments of education records that the parent or eligible student believes to be inaccurate, misleading or otherwise a violation of the student's privacy rights.



- The conditions when prior consent is not required, the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

Parents and eligible students have the following rights under the Family Educational Rights and Privacy Act (FERPA) and this procedure [34 C.F.R. 99.7 and 300.561]. The notice shall also include:

- The procedure for exercising the right to inspect and review education records.
- The procedure for requesting amendments of education records that the parent or eligible student believes to be inaccurate, misleading or otherwise a violation of the student's privacy rights.
- The conditions when prior consent is not required, the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

### **RECORDS FOR STUDENTS WITH DISABILITIES**

Parents of a child with learning disabilities or special needs should have a greater interest in knowing what is in their child's school records because of the emphasis on these records by school administrators when making educational decisions.

For special ed students with disabilities, another federal law-IDEA and FERPA are the two important federal laws that apply to educational records for students with disabilities. Because of the importance of your child's records in determining special education services, you should review and make any corrections to them annually. Be sure to create a duplicate copy of all the material in the official files as well.

If you find any information in your child's records to be inaccurate, biased, or incomplete, this material may result in wrong decisions regarding your child's right to special education services.

### **KNOW IF YOUR DISTRICT HAS A GENDER SUPPORT PLAN**

The Transgender and Students Nonconforming to Gender Role Stereotypes policy in Linn-Mar Community School District in Iowa states that the Gender Support Plan will be maintained in the student's temporary records, not the student's permanent records.

### **REVIEW YOUR STUDENT'S RECORDS BEFORE YOU MOVE**

If you move, your child's school records will move with you. To ensure your child's new school receives only relevant and current records, you will want to review the entire file and identify the material you wish to forward.

Most school systems will honor your request and forward only the information you want to be released. However, you should note

that many states require schools to transfer records about any disciplinary violation. Therefore, you do not have the option of excluding that information.

IDEA adds a provision regarding the inclusion of discipline information in student records. The state can require the school system to include a statement of any disciplinary action (current or past) taken against the child in a child's records.

### **FILE COMPLAINTS WITH THE U.S. DEPARTMENT OF EDUCATION**

If you believe your parental rights have been violated under the Family Educational Rights and Privacy Act (FERPA) or If you think a school has violated your/your child's education record rights, you can [file a complaint with the U.S. Department of Education's Student Privacy Policy Office](#). If you do, you must file it within 180 days of the violation (or the date you knew it).

**<https://studentprivacy.ed.gov/file-a-complaint>**

When reviewing your child's education records, it helps to educate yourself through this guide before communicating with your school. The key is to maintain a positive working relationship with your child's school administration and staff, so they are more receptive to easily helping you obtain your requested information.



# HOW TO HOLD TEACHERS AND OTHER SCHOOL OFFICIALS ACCOUNTABLE

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Most likely you have a relationship with your child’s teachers, but what about all the other school officials working alongside them? Here is a brief description of the various personnel within your child’s public school and the school district.

According to the US Department of Education and FERPA, a “school official” includes a teacher, school principal, board member, registrar, counselor, admissions officer, attorney, accountant, human resources professional, information systems specialist, and support or clerical personnel. In addition, a school official can be a contractor, consultant, or any organization to which a school has outsourced its services. As for school board members, we may think of them as school officials, yet technically they are elected officials that govern your district’s schools.

When you have a child in K-12 schools, there will likely be times when your child has a negative experience that you believe warrants contacting and engaging with your child’s teacher or other school officials. However, before you do, check out the school and district website and become familiar with the school’s policies for handling various issues. For example, your school likely has an anti-bullying, threat of school violence, or other policy that might relate to your child’s negative experience. If that is the case, follow the steps outlined in the policy on who to contact.

As parents, sometimes we feel like our school officials are too busy to hear our concerns or deal with a negative circumstance our child faces. Yet you have every right to engage with the adults associated with your student’s education. Knowing who to contact and the right timing can help garner a positive outcome.

## **TAKING ACTION**

When a problem confronts your child in school, the school official involved is the first person you should contact. This person has the benefit of a first-hand understanding of the situation. It will likely include the teacher, school administrator, or staff member.

You can escalate your concerns to the principal if that administrator or teacher does not respond or help. If the principal does not assist, take your concern to the district Superintendent’s office, and you may want to also connect with a school board member.

## STEP 1

### MEETING WITH A TEACHER OR SCHOOL OFFICIAL TO SHARE CONCERNS

Once you have determined who to meet with, set up a meeting.

**Have a clear agenda for the meeting.** Consider what specific topics you want to discuss, and come prepared with any relevant materials or documents. This will help make the most of the meeting time and ensure you can address your concerns.

**Be respectful and professional.** While it's natural to be concerned or frustrated, it's essential to approach the meeting with a respectful and professional demeanor. This will create a positive atmosphere and make it more likely that you can communicate your concerns and work towards a resolution effectively.

**Follow up after the meeting.** After the meeting, take a few minutes to jot down any follow-up actions or next steps that were discussed. This will help ensure that you and the teacher or school official are on the same page and working toward the same goals.

## STEP 2

### PARTICIPATION IN SCHOOL BOARD MEETINGS

As mentioned, school board members are elected officials who govern their district's schools. Feel free to contact individual board members with your thoughts and concerns. They are there to represent the community and should be willing to listen to your input. You can reach out to school board members with your concerns via email or phone or by approaching them after or before a school board meeting.

Attending school board meetings and signing up to speak are also important ways for parents, students, and community members to have a say in the direction and decisions of their local schools. (See the Public Relations and Community Coalition Building chapter to increase your effectiveness in connecting with your school board.)

### TIPS ON ENGAGING WITH SCHOOL BOARD MEMBERS

**Be respectful:** It's important to remember that school board members have been elected by their constituents and are trying their best to make decisions that are in the community's best interests. Therefore, even if you disagree with a decision, it's important to express your thoughts respectfully and constructively.

Overall, engaging with school boards can be a rewarding and effective way to make a difference in your community. By staying informed, communicating with board members, and getting involved, you can help shape the direction of your local schools.

**Stay informed:** Stay up to date on the issues the school board

discusses by regularly checking their website or subscribing to newsletters.

**Get involved:** Join a committee or task force. For example, some boards have district committees, and parents can volunteer to participate as a member. This can be a great way to have a more direct impact on decision-making.

## STEP 3 (ONLY AFTER YOU HAVE EXHAUSTED STEP 1 & 2)

### HOW TO FILE EDUCATOR COMPLAINTS WITH THE STATE

The process for filing an educator complaint with the state education department or licensing board varies by state. Here are a few steps you can follow to file a complaint:

- 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:** You can usually find contact information for these agencies on their websites or online.
- 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. This might involve completing a complaint form or submitting a written complaint.
- 4. Be prepared to provide evidence:** Depending on the nature of the complaint, you may be asked to provide evidence to support your allegations. 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.

### THE REMOVAL OF A TEACHER

ESSA Section 1116 requires schools to notify parents regarding teacher qualifications and information on the student's level of



achievement and academic growth, if applicable and available, on each of the State academic assessments required under this part, including purpose, subject matter, and more.

Parents have the right to question a teacher's credentials and seek their removal. Find out what laws governing the removal of teachers are on the books in your state.

If you have concerns about a teacher's performance or behavior, you can try the following steps:

**Talk to the teacher:** If you have specific concerns about a teacher's behavior or performance, it's often best to try to address them directly with the teacher first. This can help resolve any misunderstandings or constructively address any issues.

**Contact the school administration:** If you cannot resolve your concerns with the teacher directly, you can try speaking with the school administration. The principal or other school officials may be able to help address your concerns or provide additional support.

**File a complaint:** If your concerns are not being addressed, you can consider filing a complaint with the school district or state education department. Be prepared to provide evidence to support your complaint.

It's important to note that teacher removal is generally a complex process that involves a thorough review of the teacher's performance and behavior. However, it's something that is typically done with seriousness, and the school or district will likely consider several factors before deciding whether to remove a teacher.



# HOW TO REQUEST TO INSPECT YOUR CHILD'S CURRICULUM

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Attentive and involved parents want to know what their children are learning in school. In today's biased classroom environment, they are no longer satisfied with reading an outline of their student's grade-level subject matter on the school's website. Instead, parents want and have the right to know all the media material, learning resources, supplemental online curricula, and other lessons used to teach students in every subject.

Parents may need to be made aware of all that is included in today's curriculum. Curricular materials and information can also be found in many formats, including online lessons and assignments spoken by the teacher that are not written down anywhere. There may be "hidden curriculum" consisting of unspoken or implicit social and cultural messages that are communicated to students while they are in school.

It is also important to note that the curriculum may be in a digital format, and parents may be led to believe that they are not allowed to view it. But parents must be allowed to review all curricular materials, whatever the format. Many parents became aware of the "hidden curriculum" in schools in 2020 when kids were learning online from home during the COVID-19 lockdown.

For example, a California teacher turned whistleblower exposed links on her website Brenda4kids.com where she revealed a "lesson" for the students that took them to a "Sex Ed for the Real World" website- [www.scarleteen.com](http://www.scarleteen.com). One of the many disturbing posts on this website is instructions for kids to make sadomasochistic sex props with items in the kitchen junk drawer.

Teacher training is also specifically mentioned in the Protection of Pupil Rights Amendment (PPRA) to be a part of the curricula that parents have a right to inspect.

Parents must exercise their right to see all curriculum and materials related to their child, including the "hidden curriculum," to get the full scope of what their child is being exposed to and taught in schools.

## **REQUESTING TO INSPECT YOUR CHILD'S CURRICULUM**

The PPRA is described in detail in the chapter on Parental Rights According to Federal Law and supports your right as a parent to request to inspect your child's curricula at school.

## **WHAT IF YOUR SCHOOL FAILS TO RESPOND?**

If your school receives federal funding, according to PPRA, it is



required to reply to your request. If they do 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](http://www.studentprivacy.ed.gov/file-a-complaint). (Note that complaints must be made within 180 days of the date of the violation.)

The U.S. Department of Education is required to investigate and adjudicate the violation. Also, according to PPRA, the Secretary of Education can terminate a school's federal funding if the school has violated the law and refuses to comply voluntarily.

### **WHAT IF THE U.S. DEPARTMENT OF EDUCATION REFUSES OR FAILS TO ACT?**

Parents, be aware that not only may you not receive a response from your school, but you also may find that the U.S. Department of Education needs to act in response to your complaint.

In this case, here are suggested actions you can take per America First Legal. (\*Please note that these suggestions are not to be considered legal advice\*)

- Sue the Department, the offending school district, and the individuals involved. (You may consider joining with other parents and seeking the involvement of a legal organization or entity that takes parental rights cases.)
- File an administrative petition asking the Department to stop funding the offending school district.
- Ask your congressman or senator to investigate.
- Ask your state representative or your state attorney general to investigate.
- Engage in direct political action, e.g., petitions, school board protests, state or local curriculum, survey transparency laws, and electing new school board members who will follow the law.



# HOW TO REVIEW AND OPT-OUT OF STUDENT SURVEYS

The PPRA- described in detail in the chapter on Parental Rights According to Federal and State Law – supports your right as a parent to review student surveys before the school gives them to your child. It also requires that student surveys do not include personally identifiable information.

Schools must notify you about student surveys to give you the option to opt your child out of the survey and more.

The following information and steps to take if you believe your school needs to comply with PPRA were adapted from information provided by America First Legal. Please note that this information is for general purposes only and is not to be considered legal advice.

## LODGE A COMPLAINT OF A PPRA VIOLATION WITH YOUR SCHOOL

Parents, if your child attends a federally funded school and you have not been appropriately notified about student surveys and other requirements of PPRA, you can use the following content in a direct request to your school or school district, stating that:

*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 –*

- *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).*

### **WHAT IF YOUR SCHOOL FAILS TO RESPOND?**

If your school receives federal funding, according to PPRA it is required to reply to your request. If they do not reply, you can report the school's violation to the U.S. Department of Education using the form at [www.studentprivacy.ed.gov/file-a-complaint](http://www.studentprivacy.ed.gov/file-a-complaint). Note that complaints must be made within 180 days of the date of the violation.

The U.S. Department of Education is required to investigate and adjudicate the violation. Also according to PPRA the Secretary of Education can terminate a school's federal funding if the school has violated the law and refuses to comply voluntarily.



# HOW TO OPT YOUR CHILD OUT OF ASSIGNMENTS

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It is a parent’s responsibility to pay attention to what their child is learning in school. It’s unfortunate but necessary to be diligent today about what is assigned to our sons and daughters in their classrooms, regardless of age.

While we wait for academic transparency legislation and school board policies to be implemented nationwide, parents must take charge and protect their students individually. You can opt your child out of curricula or learning materials that you deem inappropriate or against your family’s belief system.

## WHAT IS YOUR LEGAL RIGHT?

It depends on where you live. As stated in the chapter on Parental Rights According to Federal and State Law and the Courts, 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. Yet, most state laws were written specifically with sex and health education in mind.

For example, Arizona’s Parental Rights Handbook states in A.R.S. § 15-102 – procedures by which parents who object to any learning material or activity on the basis that the material or activity is harmful may withdraw their children from the activity or from the class or program in which the material is used. Objection to a learning material or activity on the basis that the material or activity is harmful includes objection to the material or activity because it questions beliefs or practices in sex, morality, or religion.

Texas Education Code Chapter 26 Parental Rights and Responsibilities Section 26.010 states, “EXEMPTION FROM INSTRUCTION. (a) A parent is entitled to remove the parent’s child temporarily from a class or other school activity that conflicts with the parent’s religious or moral beliefs if the parent presents or delivers to the teacher of the parent’s child a written statement authorizing the removal of the child from the class or other school activity.”

Regardless of whether your current state law is parent-friendly, you still have the right to guide your child’s educational experience and opt out of materials you deem inappropriate or harmful.

## FIND OUT YOUR SCHOOL’S OPT-OUT PROCESS

Opting out is a formal process that requires you to fill out your school’s form or one of your own stating written expectations for your child’s education and turned in to your child’s school administration.



Start by asking the school Principal what the opt-out process is. Then, find out if there is an official form for you to fill out should you need it at some point. Be proactive in understanding the procedure for opting your child out of learning materials or programs, so you are prepared if you need it.

Some school districts will be more transparent and provide links with specific online opt-out forms on their website. Others will not make opt-out forms readily available and will not publicize that parents can do this. You will want to learn how this process works in your school district.

If your school does not have an official opt-out form or process, you can draw up your own written notice of your expectations. Here are a few examples of Opt-Out forms offered by various organizations across the country...

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. (For further information, see the chapter on HOW TO REVIEW YOUR CHILD'S SCHOOL RECORDS.)

Ask the school to use a "received" stamp with the date to record that the communication was provided to the school. If you get pushback from school employees saying this isn't legal or necessary, you don't need to engage in a discussion but request that the Parental Opt-Out form be put in your child's education file.



# HOW TO OPT YOUR CHILD OUT OF RESOURCE MATERIALS AND LIBRARY BOOKS

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The influx of inappropriate reading materials has recently infiltrated our school libraries and classroom bookshelves. With many parents still not having full access to their child's classrooms and schools, they must be diligent and learn what literary titles are coming into their schools. Parents must also know how to opt their children out of being able to check out or read books they deem inappropriate, harmful, or against their family values or belief system. Remember, it is a parent's duty to lead their child's educational experience.

Several states have passed legislation protecting children from inappropriate material, yet we need many more to follow suit. Even if we live in states like Florida or Arizona that have passed strong parental rights and education transparency laws, we must still pay attention to groups and individuals taking advantage of any loopholes to slide in harmful content to young students.

For example, Florida's Governor Ron DeSantis signed an education transparency bill to protect children from inappropriate material in the classrooms and resource centers in schools and to promote parental involvement. As a result, librarians must be trained in selecting proper materials, including developing criteria for determining whether materials are age-appropriate, harmful to minors, or pornographic.

A Florida Department of Education Working Group was created to recommend a training program for all school librarians across the state. Evidence has emerged that working group members may take advantage of confusing language in two key parental rights laws in Florida, HB 1557 and HB 1467. As a result, pornographic materials may still be approved in your child's school, so you will want to pay attention and know how to opt your student out of resource materials.

Hopefully, you will rarely ever have to opt your child out of learning material in your school, but in case you do, BEST wants to make sure you are educated and have the confidence to do so. Contact us with any questions or experiences with opting your child out of assignments or learning materials at [connect@parentsknowbest.com](mailto:connect@parentsknowbest.com).

# HOW TO FILE PUBLIC RECORDS REQUESTS

Public records requests have become powerful tools parents and community members use nationwide to educate themselves and their community on what is happening behind the scenes at their local public schools. Unfortunately, many school districts are making it difficult for people to get information on curricula, programming, teacher training, etc. Yet, you must understand that it is your right to request information from your government-owned schools and those working for them.

Since 1967, the Freedom of Information Act (FOIA) has provided the public the right to request access to records from any federal agency. It is often described as the law that keeps citizens in the know about their government. All states also have “sunshine” or “open record” laws that closely mirror public records requests. This means you can request correspondence, records, and documents from elected officials and government agencies with rare exceptions that protect interests such as personal privacy, national security, and law enforcement. Your ability to request public records is a beneficial resource for understanding what your school board is doing with your tax dollars.

## 4 STEPS TO MAKING A PUBLIC RECORDS REQUEST

### STEP 1

**Research:** Learn your school district’s process for requesting public record requests. There may be a portal on the district’s website where you can enter all the information online, or you may need to go into the office to make the request in person. Each school district handles public records requests differently, so ask your district office for the proper procedure for obtaining the information you want. Often, a call or visit to the school or district’s website can help you identify the person to whom the request needs to be sent.

When making a public records request, be sure you understand how the school has labeled its programs and that you’re targeting the correct information. You’ll have a better chance of receiving the materials you seek if you know the exact language your district uses for teacher training or programs. For example, If you request information on “Critical Race Theory training,” you won’t likely get anything back. But, if you use “Diversity, Equity, and Inclusion” or “DEI” in your request, you are more likely to see the results you are looking for.



## STEP 2

**Describe the Request:** When requesting information, it's better to ask in smaller increments instead of casting a wide net.

Examples of clear requests:

- All Diversity, Equity, and Inclusion training materials from the 2021-2022 school year
- All email communications to and from Ms. Jones (add her email address) and Mr. Smith (add his email address) for January-June of 2021
- School board training materials for the 2022-2023 school year

## STEP 3

**Describe the Format:** Generally, you will want to request the relevant materials in a digital format. A list of specific formats may not always be provided, so you can mention what format you prefer (JPEG, PDF, Word document, etc.).

## STEP 4

**Follow up:** States usually require that the agency responds within a certain amount of time. So, if you have not heard back within 3-5 business days, send another email asking for a status update.

### CHALLENGES WITH REQUESTS

**Fees:** Depending on the state, fees can be associated with the request. At the time of the request, ask that the government entity inform you of any costs associated before completing the request. If the fee is outrageous, you may be able to request another format to reduce the price. For requests that are not very large, \$100 is likely more than you should pay. On the other hand, many school districts do not charge for public records requests within reason.

Have you struggled to get public records requests filled by your local school district? Please email us your experience to [connect@parentsknowbest.com](mailto:connect@parentsknowbest.com).

Federal public records request portal:  
<https://www.publicrecordsrequest.gov/>

**PUBLIC RECORDS REQUEST LETTER TEMPLATE**

**SAMPLE**

Agency Head  
Name of Agency  
Address of Agency  
City, State, Zip Code  
Re: Open records request

To Whom It May Concern:

Pursuant to [your state’s public records law], I request that a copy of the following documents [or documents containing the following information] be provided to me: [identify the documents or information as specifically as possible].

If there are fees, I would appreciate your informing me of the total expected charges before fulfilling my request. Additionally, I prefer that this request be filed electronically, in [preferred format] format if available, and via email attachment.

I also request a detailed contemporaneous log to be provided for any document withheld or redacted.

The requested documents will be made available to the general public, and this request is not for commercial purposes.

Thank you for your prompt attention to this request, and I look forward to hearing from you soon.

Sincerely,

Name  
Phone #  
Address  
Email

# HOW TO SHARE YOUR EXPERIENCES WITH BEST

We here at FreedomWorks BEST are always seeking your feedback, questions, and concerns. BEST is built on our connections with our grassroots leaders, partners, school board members, and candidates like yourself.



[connect@parentsknowbest.com](mailto:connect@parentsknowbest.com)



202.455.9545



[www.ParentsKnowBest.com](http://www.ParentsKnowBest.com)









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