



THE SUMMIT 2021

RECLAIMING THE PROFESSIONS FOR LIFE AND FAMILY

Legal Strategies for Reclaiming Education

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Child & Parental Rights

C A M P A I G N

Restore. Defend. Secure.

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www.childparentrights.org

Parents Have Fundamental Right To Direct Children's Upbringing & Education

- *Meyer v. Nebraska* 1923: Parents have a “natural duty” to educate their children. State attempt to standardize children is “unconstitutional and un-American.”
- *Pierce v. Society of Sisters* 1925: State has valid interest in education but cannot usurp parents’ role as the primary educator of children. “The child is not the mere creature of the State.”
- *Wisconsin v. Yoder* 1972: Parental direction of the religious upbringing and education of their children has a high place in our society.

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- *Parham v. J.R.* 1979: Parents' high duty includes medical and mental health decisionmaking. "Most children, even in adolescence, simply are not able to make sound judgments concerning many decisions, including their need for medical care or treatment. *Parents can and must make those judgments.*"
- *Belotti v. Baird* 1979: The guiding role of parents in the upbringing of their children justifies limitations on the freedoms of minors to protect them from their own immaturity.

What Are The Boundaries of Parental Rights in Education?

- **SCOTUS:** has not defined the precise boundaries of a parent's right to control a child's education.
- **Courts of Appeal:** Balance state's authority to educate citizenry w/parental rights.

General guiding principles:

- Schools have primary control over the learning environment, including selection of curriculum, instructors, length of instructional day, dress codes.
- Most Courts find schools overstep their authority when they go beyond transmitting information to prompting children to change beliefs, promoting particular ideologies, interfering with medical or mental health decisions or intruding on inner workings of the family.

Some Courts Broadly Define “Curriculum” & Diminish Parental Rights

- “Curriculum” has been defined very broadly by some courts to include any information, idea, or concept that anyone associated with the school district decides to present during the school day.
 - ❖ First Circuit (MA, RI, ME, NH) an interactive live sex show was labeled “curriculum” and beyond the reach of parent challenges.
 - ❖ Also, reading a book celebrating same-sex marriage was mere exposure to an idea, not indoctrination.
- Ninth Circuit (CA, WA, OR, HI, AK, AZ, NV, MT, ID):
 - ❖ “Neither Meyer nor Pierce provides support for the view that parents have a right to prevent a school from providing any kind of information—sexual or otherwise—to its students.”
 - ❖ “The Meyer–Pierce right does not extend beyond the threshold of the school door.”

Federal Privacy and Parental Rights Statutes

Family Educational Rights and Privacy Act (FERPA):

Protects students' **educational records** and **personal identifying information** from disclosure to third parties without parental consent.

- ❖ Activists attempt to include “gender identity” as information to not be disclosed but that is not a proper interpretation of the law.
- ❖ Some activists also use FERPA to claim they can't disclose gender identity to parents, but that is *expressly contrary* to the law.
- ❖ FERPA protects information that is obtained from **educational records**, not information received first-hand or from being told by others, even if it might also be in an educational record.

Parents' Rights Under the Family Educational Rights and Privacy Act

Parents, not students or school administrators have all of the FERPA access rights for their minor child's educational *records* in the K-12 setting until the child reaches 18 or is legally emancipated.

- ❖ The parent, as the child's legal guardian, has the primary right of access to the child's records, and the right to be informed by administrators of significant developments in the child's life which occur at school.
- ❖ Parents also have the right to request that a school correct records which they believe to be "inaccurate or misleading."
- ❖ School officials might claim that information such as a child's "gender identity" or choice of names or pronouns at school cannot be revealed to parents. That is not true.

Application of the Family Educational Rights and Privacy Act to Proposed “Gender Affirmation” in School

- *Parents have the right to review their children’s records and to require that school records identify the child with accurate gender pronouns, accurate sex markers, and with the child’s legal name.*
- *If a teacher has been told, observed, or otherwise directly knows that a student “identifies” as the opposite sex and intends to access opposite-sex facilities or announce his new identity to the class, that information is not protected under FERPA. The information may be discreetly disclosed (i.e. without naming names) to the “transgender” child’s parents, other students’ parents, and other students themselves, where necessary to help them protect their privacy and safety.*

Federal Privacy and Parental Rights Statutes

Protection of Pupil Rights Amendment (PPRA) 20 U.S.C.A. § 1232h:

- **Inspection of instructional materials:** Requires that all instructional materials which will be used in connection with any survey, analysis, or evaluation shall be available for inspection by the parents or guardians of the children.

- **Limits on surveys, analyses, or evaluations:** No student shall be required to submit to a survey, analysis, or evaluation that reveals information concerning:
 - ❖ 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;
 - ❖ 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 to determine eligibility for financial assistance

without **prior written consent** of the parent, or, if the student is emancipated or over age 18, the student.

State Laws Protecting Parental Rights

Florida Parents' Bill of Rights, Florida Stat. § 1014.02, Effective July 1, 2021

- Confirms fundamental rights and emphasizes that important information relating to a minor child should not be withheld from his or her parent, including information relating to the minor child's health, well-being, and education, while the child is at school.

Kansas Stat. Ann. § 38-141 & Arizona Stat. § 1-601:

- Parents retain the fundamental right to exercise primary control over the care and upbringing of children.

Oklahoma Parents' Bill of Rights OK Stat. Title 25 §§ 2001, et. seq.:

- The state shall not infringe on the fundamental right of parents to direct the upbringing, education, health care and mental health of their children w/o proving a compelling governmental interest & narrowly tailored restriction.

Louisiana Parents' Bill of Rights for Public Schools La. Stat. Ann. Rev. Stat. Title 17 § 406.9:

- Parents of public school children have all of the following rights:
 - (1) To examine the textbooks, curriculum, and supplemental material used in their child's classroom.
 - (2) To inspect their child's school records, and to receive a copy of their child's records within ten business days of submitting a written request.

Asserting Your Parental Rights: Holding Government Agencies & Leaders Accountable

- ✓ Public Records Requests or FOIA requests;
- ✓ Stay informed of school board actions, take advantage of public comments, remind them that they work for you.
- ✓ Stay engaged with classroom teachers, principals, administrators. Let them know you are watching.
- ✓ File claims with DOE OCR or similar state administrative agencies with oversight over public schools.
- ✓ Form or join parents' organizations—strength in numbers
- ✓ Consult with an attorney, ask for a “demand letter” putting agency on notice of violations and requesting that they cease and desist.
- ✓ If necessary, pursue litigation.

Be A Source of Truthful Information for School Leaders:



NAVIGATING THE
TRANSGENDER
LANDSCAPE



CPR-C School Resource Guide:

- Provides balanced, scientifically accurate information on gender identity issues, an alternative to transgender activist organizations' propaganda that most schools rely on.
- Guiding principles: 1) Respecting parental rights to direct the education and well-being of their children; 2) Recognizing healthy child and adolescent development; 3) Protecting the rights, safety, privacy, and diverse beliefs of the entire student body; 4) Maintaining the trust of the community.
- Explains factors influencing children to identify as transgender and the scientific information on the effects of *"gender affirmative" medical interventions*.
- Provides answers to the most frequently raised concerns (such as the health risks, suicide risk, transgender regret, the medical community, and parental concerns).
- Gives an overview of how the transgender trend is affecting public schools and trans-activism in schools, demands for access to opposite-sex privacy facilities, equity in sports, and how Title IX and state sunshine laws affect policy making.



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