



*A Mom's Guide*  
**TO PARENTAL RIGHTS**





If you're reading this, you have likely found yourself—like most moms—concerned about the growing assault on parental rights in America. We imagine this has left you feeling both discouraged and even powerless at times.

Whether you want to increase your awareness for the future or address a pressing issue that's right in front of you, when you're armed with the right information, you will be empowered and more confident in defending your child.

In this guide, we will provide you with information about your rights and how they are supported by law and by the courts. *Moms for America®* will walk you through each right and how you can go about protecting that right and your child.



**Kimberly Fletcher**  
Founder & President

# CONTENT

- 02 Introduction
- 03 Parental Rights Related to Your Child's Education
- 04 Federal Laws Affirming Parental Rights
- 05 Parents Have the Right to Appeal Their Child's Records
- 06 Federal Law Protects Right of Parents ...
- 07 How to Get Rid of Bad Teachers
- 08 Right to Freedom of Speech & Religion
- 09 Action Steps





02

## Introduction

First and foremost, as a mom, you have a fundamental right to direct your child's upbringing, including their education.



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Your rights as a parent have a long history of being affirmed by the Supreme Court and by the federal government. But beyond laws – your rights as a mom are implicit – absolute – they are supreme. You gave your child life and as a parent you're fully responsible and invested to protect them and guide them.

We know as moms that this is a great privilege and honor. But for many moms with kids in school, your rights are being violated even while your tax dollars help foot the bill for their education.

It's very likely that your school is teaching, to one degree or another, radical sex ed, gender identity change, revisionist history via critical race theory, and more. Your school has no right to tell your kindergartner that they can choose a new gender – yet many do. In West Hartford, Connecticut, elementary school parents report that teachers are writing "nonbinary" on the chalkboard and telling kids, including kindergarteners, they can live life as a gender different from what they were assigned at birth. To drive the point further they read a book to the kids about a teddy bear that is a girl but wishes she was a boy.

**Moms, your child's public school is likely endangering their physical, emotional, and social well-being.**

Knowing what your rights are as a parent, and what those rights grant to you regarding your child's education, will give you the information and confidence to ensure that your rights are honored and respected by your child's school officials.

# 03

## Parental Rights Related to Your Child's Education



### Background

It's important to know that our founding fathers didn't claim federal authority over public education. In 1791, they passed off the responsibility of teaching reading, writing, and arithmetic to the 14 states, as written in the **Constitution's 10<sup>th</sup> Amendment**.

And it wasn't until **1979 that the US Department of Education was established by law**. The DoE was founded with a **mission** that sounds good — "to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access." And yet we have to ask if that is the job of government.

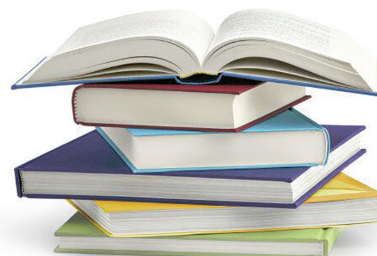
A key highlight in the **legislation (full bill text here)** that you can hold onto as a parent is this statement:

**Parents have the primary responsibility for the education of their children, and states, localities, and private institutions have the primary responsibility for supporting that parental role.**

And it repeated this idea when it stated that the establishment of the Department of Education was **not to 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.

And as parents, we can remind our schools and school boards of this intent.

Washington D.C. has continued to centralize more education authority and increase its spending on education. And yet student achievement has not improved, it has **essentially flatlined**. As for civics, an early priority for public education, it was **reported in The Spectator** in the wake of the 40<sup>th</sup> anniversary of the U.S. Department of Education, that civic illiteracy and even hostility to the principles that made America great have continued. Ninety percent of immigrants pass the citizenship test, while only a **third** of native-born Americans can pass the exam. In addition, DoE initiatives like No Child Left Behind, America Competes Act, Race to the Top, and Every Student Succeeds are just some of the ambitious projects that show meager results — disproving the persistent theory that if the government gets involved with the right resources, success will follow.



## 04 Federal Laws Affirming Parental Rights

In the centuries that have followed since the Constitution was written, Congress has passed education reforms like the **1964 Civil Rights Act**, the **Elementary and Secondary Education Act** (ESEA) of 1965, and its revised version, the **Family Educational Rights and Privacy Act** (FERPA, 1974) and numerous **other landmark policies**.

There were also additional laws and policies that were passed to protect against discrimination based on race, sex, and disability. However, today we are focusing on laws that support your direct parental rights related to your child's participation in government-funded schools.

### The Right to Know is a Parental Right

**The Every Student Succeeds Act** (ESSA, 2015)

guarantees:

- ✓ Parent-teacher conferences
- ✓ Reasonable access to staff
- ✓ Opportunities to volunteer
- ✓ Opportunities to participate and observe their child's classroom
- ✓ The right to ask for qualifications of a child's teachers, and many other prerogatives.

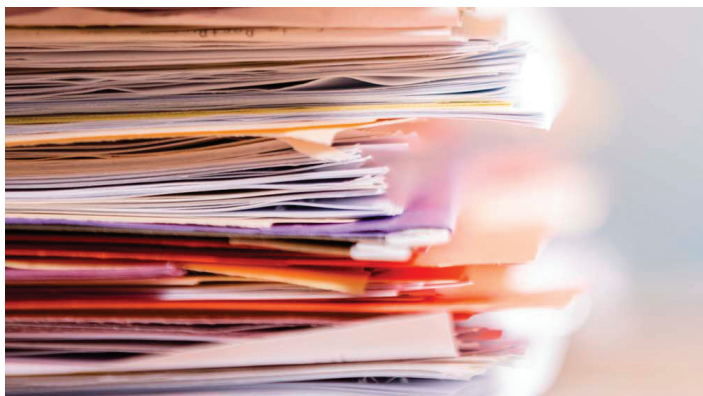
***A parent's right to observe his or her child during the school day is supported by federal law.***

This applies to all students, in regular and special education alike. ESSA defines the term 'parental involvement' as the participation of parents in **regular, two-way, and meaningful communication** involving student academic learning and other school activities, including ensuring:

- (A) that parents play an integral role in assisting their child's learning
- (B) that parents are encouraged to be actively involved in their child's education at school
- (C) that parents are **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**







FERPA – the **Family Educational Rights and Privacy Act** (FERPA, 1974) which affirms parents' right to review and request to amend their child's student records.

Parents have the **legal right** to **inspect** their child's educational records at the school, to have **them explained**, if necessary, to **request updates and corrections**, and to have their child's education records sent to another school in a timely manner if they wish to have their child transfer schools.

This includes:

- ✓ **Your child's disciplinary record**
- ✓ **Notes from a meeting with the school counselor**
- ✓ **Your child's request to go by a different name or to be treated as a different gender**

(Exceptions to this may exist if a court order is in place regarding a parent)

**Information like this is needed by parents so that you as a mom can ensure that your child's physical, mental, and emotional needs are being fully met at home and school.**

**[CLICK HERE](#)** to download the FERPA PDF.

Parents not only have the right to **request education records** but also, **have the right to request amendments to education records and the right to file a complaint**. If upon review, parents find an education record is inaccurate or misleading, they may request changes or corrections, and schools and education agencies must respond promptly to these requests.

If a parent's request is denied, he or she must be offered the opportunity for a hearing. If the disagreement with the record continues after the hearing, the parent may insert an explanation of the objection in the record. FERPA's right to amend does not apply to grades and purely educational decisions made by school personnel.



06

## Federal Law Protects Right of Parents to Review the Curriculum in their Child's School and Class



Upon request to inspect your school is required to allow you access to all the material used by the school as part of your child's educational curriculum. When you ask, your school is required to give you the opportunity to see everything your child is being taught in school.

Be aware that —

- ❗ School districts routinely hide curriculum in teacher's manuals and even instruct teachers to write it on an erasable surface.
- ❗ The school may cite "copyright" as an excuse for not sharing information with parents or they may claim that they have no written curriculum

But don't be intimidated by that! **Remind them that federal law applies to ALL curricula, regardless of format or context.** If they claim no hard copy available, ask to attend the class in person.

Under a federal law called USC 20 1232(h)—the **Protection of Pupil Rights or PPRA**—parents have a **right to see ALL instructional materials, regardless of format or context.**

It may not be easy to get your school to allow you to inspect all the materials being taught to your child, but it is your right by law.

**NOTE:** PPRA also requires schools to inform you about student surveys that include questions related to protected personal information so you can opt out if you wish. All over the country student surveys, including questions about personal and protected information, are showing up in student email inboxes. **The Protection of Pupil Rights Act requires that you give your consent to your child's school prior to their giving those surveys to your child.**

PPRA requires that you can opt your child out of a survey that includes questions about personal protected information about your family and your child — including any questions about

- ✓ Political or religious affiliations
- ✓ Psychological problems
- ✓ Sexual behavior or attitudes
- ✓ Illegal behavior
- ✓ Anti-social, self-incriminating, or demeaning behavior and more.

As a matter of fact, **your child's school must receive written permission from you prior to asking your child to complete a survey.** If you as a parent do not consent, then in theory the school is prohibited from requiring your child to participate. **Schools are also limited in how they are to use information collected through surveys.**

Moms, exercise these rights. Be respectful, but firm and relentless. And report it if you are denied these opportunities or if your requests are ignored.

See additional information from AFLegal [HERE](#).

07

## How to Get Rid of Bad Teachers



Parents' involvement in the removal of a teacher depends upon your state's laws and district policies; and may require support from the principal, PTO/PTA, district superintendent, and the local teachers' union. And it can be harder if the teacher is tenured.

Find out how strong the teachers' union is in your state.

The nonprofit **Students Matter** has fought cases in several states for the right to remove ineffective teachers, and additional battles have been fought against teacher-tenure laws in New York. The easiest state to get a teacher fired in is Idaho, where contracts are for only one year. In Rhode Island, teachers who receive an "ineffective" rating for two years are dismissed.

### Parents' Rights Related to Sex Ed

According to a **booklet put together by Cathy Ruse** at the Family Research Council, sex ed now teaches students:

- ! They may have been born in wrong body
- ! How to get secret abortions without their parents knowing

- ! They can engage in sexual activities, which results in the increase of sexual experimentation and number of sex partners, even in the earlier grades.

All states have some involvement in sex education for public school children.

As of October 1, 2020:

- **Thirty states and the District of Columbia** require public schools teach sex education
- **Thirty-nine states and the District of Columbia** require students receive instruction about HIV.

Many states define parents' rights concerning sexual education:

- **Twenty-five states and the District of Columbia** require school districts to **notify parents** that sexual or HIV education will be provided.
- **Five states require parental consent** before a child can receive instruction.
- **Thirty-six states and the District of Columbia** allow parents to opt-out on behalf of their children.

Other states are working to pass parental rights laws. For example, Sen. Josh Hawley, R-Mo., introduced the **"Parents' Bill of Rights Act."**



08

## Right to Freedom of Speech and Religion

Moms, this right is an inalienable right protected by the U.S. Constitution. This is your right—and your child’s right—to freedom of speech and religion.

If it isn’t distracting to other students, your children have the right to:

- ✓ **Pray** when they are at school
- ✓ **Take religious books to school**
- ✓ **Wear clothes signifying their religious beliefs**
- ✓ **Talk about their faith at school**
- ✓ **Organize a religious club**
- ✓ **Refer to their religious beliefs** in student assignments
- ✓ **Miss school** in observance of religious holidays

The U.S. public school system is secular (non-religious) and state laws **forbid public education funds to be spent on religion**. However, freedom of **speech and religion are protected by the First Amendment** of the U.S. Constitution.

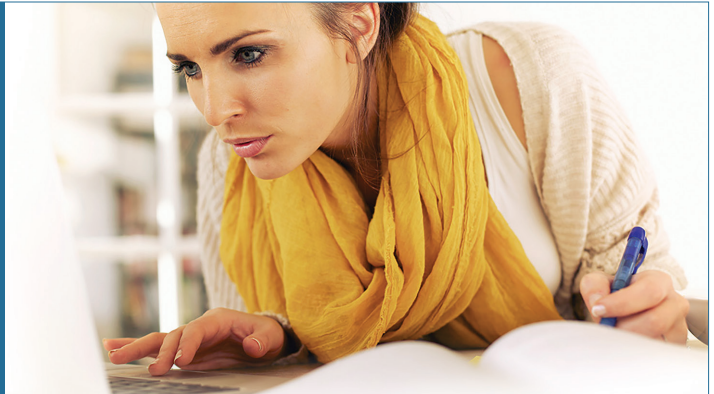
**Parents’ Rights in Education** reports that SCOTUS has ruled five times in favor of parental rights, overturning state control of children. Oregon has violated these rulings by passing laws superseding those rights.

There is an alarming trend away from protecting parental rights — **North Dakota** for example — in light of **Troxel’s confusing legacy**. This is why it’s critical that we continue to work for laws protecting parental rights — even in “safe” states. (See **“Why a Statute in a ‘Safe’ State?”** for more details.)



09

## Action Steps



In closing, we hope this information will be helpful to you as you stand for your rights as a mom, and for your children's rights. In the meantime, here are some practical steps you can take TODAY to stand for your child.

### Action Steps

- ① Opt your child out of invasive surveys. Remind your school that they are required to notify you regarding these surveys.
- ② Opt your child out of sex ed and other activities or subjects that you do not wish them to participate in. If your state doesn't allow that, consider fighting back.
- ③ Set up a time to observe in your child's classroom. Some states have attempted to limit this but federal law trumps state law.
- ④ Make a request to review ALL of the elements of what your child is being taught in the classroom. And if you don't get any response, let us know so we can connect you with a group that can help.

Please know, we are here for you as you consider each of these steps. Let us know if you choose to engage and what the outcome is. We are also available to help you through the process. We also recommend **Rebecca Frederick's book, *Standing up to Goliath***.

Moms, it's time for you to feel empowered and boldly take back your God-given parental rights today and every day. We want you to feel equipped to take the steps to exercise your full inherent and legal authority as a parent when it comes to your child's education.



If you'd like to learn more about your valuable role as a mom, check out the **Declaration of Mothers** on the **Moms for America<sup>®</sup>** website at **[EmpowerMoms.com](http://EmpowerMoms.com)**.



10

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