

# BACK TO FOR PARENTS SCHOOL

A RESOURCE OF FAMILY POLICY ALLIANCE



A condensed **GUIDE FOR BUSY PARENTS** about what's happening in your child's school, how to identify areas of concern, and how to advocate for your child and your rights.

SECOND EDITION

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# Introduction

**You’ve heard the news stories about what’s happening in public schools — and you’re deeply concerned. Or maybe you’re aware of troubling incidents like these in your own school or community:**

- **A mom discovers** her eighth grade son was “exposed to pornographic material on a school-issued portable computer while riding a school bus.”<sup>1</sup>
- **A historian reports** that one of the best-selling high school textbooks has misled three generations of students “into thinking that the United States is fundamentally corrupt, and that the world is often worse off because America exists.”<sup>2</sup>
- **An elementary school teacher tells** a ten-year-old girl that she can’t write about God for a school assignment.<sup>3</sup>

How would you respond if you discovered your school clinic was dispensing contraceptives to your child — without informing parents? Or if a boy took a spot on your daughter’s high school soccer team because he felt like a girl? Or if you found out your six-year-old child’s teacher is reading books about gender-confused children to the whole classroom?

**We’re concerned too.** We read the news and receive numerous phone calls, emails, and letters from parents, grandparents, family members, and church leaders. They tell us what’s happening at their children’s schools and ask for help responding.

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That's why we've written *Back to School – For Parents*. Each section covers different topics, such as how to protect your child from inappropriate or biased material in the classroom, what to do when you find offensive or explicit books in your school library, and how to guard your child's safety in school restrooms and locker rooms.

*Some individuals and groups have a political or social agenda for children and schools — one that may not be in line with your beliefs and values.*



Each part explains why parents are concerned about what's happening in schools with a specific issue, and what you can do to protect your child. We help you understand your rights and your children's rights and explain important state and federal laws. We're not offering legal advice, but simply describing the legal landscape today — something that can change quickly because of school board decisions, legislative actions, or court rulings. By becoming more aware of the law, you are better equipped to protect your child.

You might read the whole resource at once so that you're prepared and on the alert for the wide variety of problematic areas in public schools. Or, you might just read a section when

it becomes necessary, such as when you learn your school is allowing boys in girls sports or when you hear a religious club has been told it can't meet on campus anymore.

**Please be aware** that some of the incidents described are disturbing. And the cumulative effect of reading about all these public education issues can be very troubling. Our intent in relating these actual incidents is so that parents can be well informed and take steps now to prevent problems. We also want you to have helpful tools and language so that you can address current problems in a reasonable, respectful manner.

We believe most teachers and school officials do good work and have the best interest of children at heart, so we know how important it is for parents to have good working relationships with school staff and keep communication as open as possible.

But we also know that some individuals and groups have a political or social agenda for children and schools — one that may not be in line with your beliefs and values. We trust *Back to School – For Parents* provides information and ideas to protect children and make schools safer for all children.

Finally, we are grateful for concerned parents, family members, church leaders, and citizens like you — working to safeguard your children and other children in the community.

**— Family Policy Alliance**

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- 1 [https://myferndalenews.com/report-students-viewing-porn-school-issued-computers-creates-concern\\_52074/](https://myferndalenews.com/report-students-viewing-porn-school-issued-computers-creates-concern_52074/)
  - 2 <https://www.trueamericanhistory.us/pageant/>
  - 3 <https://wreg.com/news/mother-angry-daughter-wasnt-allowed-to-write-about-god/>

Protecting **YOUR** Child

# IN THE CLASSROOM

Comprehensive Sex Education, LGBT Curriculum and Liberal Bias in the Classroom



*“I began reading all these lessons for children as young as five that talked about sexual intercourse, how their private organs worked, and even introduced pornography to really young children.”<sup>1</sup>*

CONCERNED MOTHER IN WASHINGTON STATE



# What's HAPPENING at School

## Why Should I Be Concerned?

*There are countless reasons parents should be concerned about radical and biased content in the classroom.*

**Comprehensive Sex Education (CSE)** teaches our children radical and controversial ideas that many families object to, often uses explicit and graphic language and illustrations, and leads to increased sexual activity and other adverse mental and physical health outcomes for our children. CSE, as a whole, is not based in science but radical social ideology, turning traditional notions of monogamy, marriage, committed relationships, and abstinence on their heads. To read more details, see Appendix B on page 67.

**LGBT Curriculum** encourages revisionist history and leans dangerously close to teaching our children they are nothing more than the sum of their sexual desires. These laws require publishing companies and textbook authors to determine the sexual preferences and gender identity of historical figures, out of historical context, with little relevance to their significant historical contributions. LGBT Curriculum mandates require that LGBT-identifying individuals are highlighted in classrooms and textbooks based solely on that individual's sexual attraction, behavior or identity, which signals to our children that sexual identity is one of the more important factors for making meaningful contributions to society.

In addition, elementary students do not need to learn about the sexual attractions or identities of historical and political figures. These lessons are not age-appropriate and force



*A Minnesota school district changed its stated goals from the pursuit of academic excellence to a quest for “equity and cultural competence.” Math and reading scores have dropped significantly as a result of this shift. Among other resources, an elementary school in the district promoted an alphabet book, for young children, called A Is for Activist. The publisher describes the book as an ABC board book “for the next generation of progressives: families who want their kids to grow up in a space that is unapologetic about activism, environmental justice, civil rights, LGBTQ rights, and everything else that activists believe in and fight for.”<sup>2</sup>*

confusing and complicated discussions based on gender and sexuality in their classrooms.

Finally, these laws promote the special and privileged characteristics of one class of people over another. For example, these laws do not also require other important aspects of individuals to be taught, like marital status or religious identity. Sexual-identity curriculum requirements say a lot to our children about what is a “morally correct”

perspective to have on sexual-identity, which may be against their family's values and do not add *any* relevant, *factual*, academic discourse to classroom discussions.

### Liberal Bias in the Classroom

Teaching one philosophy or social ideology to public school students is indoctrination, not education. What parents see across the nation in Comprehensive Sex Education, LGBT Curriculum mandates and more is liberal bias in the classrooms. This bias is especially stark when discussing comprehensive sex education and LGBT Curriculum mandates that are driven by radical liberal ideology. The ideology teaches that people are defined by their sexual attractions and desires and anyone who disagrees with these radical sexual ideologies is a bigoted oppressor.

Yet the liberal bias is far more invasive and wide-spread than the sexual-identity agenda alone. Liberal bias is also not just *for* radical social ideology but is also *anti-Christian* and *anti-conservative*.

Parents have complained about their children's history textbooks teaching Christianity as a myth, but not saying the same of Islam. One parent reported to us an illustration in her child's history textbook where Muhammed teaches Jesus and Buddha, and *many* parents have complained about textbooks teaching their children the tenets of Islam *in depth* but hardly mentioning Christianity or Judaism.<sup>3</sup> Students all over the United States have reported being marked down on their homework for discussing their faith or religion, or citing the Bible.

### Excerpts from Planned Parenthood materials show what is being taught:

*These materials are in many classrooms across the United States.*

Grade 6 - Lesson 7

**STI RISK BEHAVIORS ANSWER KEY**

HIGH RISK for STIs	LOW RISK for STIs	NO RISK for STIs
Unprotected vaginal sex	Vaginal sex using a male or female condom correctly	Bathing together
Unprotected anal sex	Anal sex using a condom correctly	Kissing on the lips
Unprotected oral sex	Oral sex using a latex barrier or cut-open condom correctly	Solo masturbation
		Holding hands
		Abstaining from sexual activity

### Sex is always a good decision . . .

*"Rights, Respect, Responsibility" Grade 6 Curriculum*

weirare or health, or in order to protect people's rights and freedoms. Any limitation on sexual rights must be non-discriminatory, including on the grounds of age.

### What does this right entitle young people to?

- Recognition, protection and fulfillment of young people's legal rights at all times, no matter their age, gender or sexual orientation.

### no matter what age the child . . .

*Planned Parenthood's "Exclaim!" Pamphlet (p. 21)*

### Young people living with HIV have the right to decide if, when, and how to disclose their HIV status

Sharing your HIV status is called disclosure. Your decision about whether to disclose may change with different people and situations. You have the right to decide if, when, and how to disclose your HIV status.

### no matter how risky . . .

*Planned Parenthood's "Healthy, Happy, Hot" (p. 3)*

Being drunk or high can affect the decisions you might make about sex and safer sex. If you want to have sex and think you might get drunk or high, plan ahead by bringing condoms and lube or putting them close to where you usually have sex. That way you won't forget them in the heat of the moment.

### no matter how impaired the child . . .

*Planned Parenthood's "Healthy, Happy, Hot" (p. 11)*

- Removal of laws that require parental, guardian or spousal involvement or consent for young people to access contraceptive services, safe abortion care, HIV and other STI testing or treatment, and any other sexual health service.
- Elimination of harmful traditional practices inflicted on young people without consent, including . . .

### and all without parental involvement!

*Planned Parenthood's "Exclaim!" Pamphlet (p. 17)*

One liberal teacher, who won his state’s teacher of the year award, proudly announced his attempts to teach 13-year-olds “we are all racists” and that they [his students] had “spen[t] their entire lives as products and contributors in a racist system, as carriers of implicit bias, as consumers of a supremacist culture.”<sup>4</sup> Many parents would likely be shocked their children are being accused and indoctrinated into how racist they and their parents are, a perspective unquestionably inappropriate for a public school teacher to force onto children.

A California social studies *curriculum* labeled President Trump as a “racist and sexist man” who became president “by pandering to a huge racist and sexist base.” Students were

asked to create a poster addressing Trump supporters and Clinton supporters. Yet they were only asked for the Trump poster to discuss, “How we will not engage in dehumanizing those who dehumanize us.”<sup>5</sup> Another school brought in Occupy Wall Street protestors barraging the military and police officers without presenting an opposing viewpoint.<sup>6</sup>

Liberal bias in the classroom trends toward extreme social perspectives, not based in fact, that are wildly subjective and political. *If* taught, these ideas should be presented fairly and neutrally, where students are exposed to different sides of an argument or idea. Instead, our children are being indoctrinated into contentious and debatable perspectives with no room to disagree.

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**! BE AWARE**

## **How Do I Recognize Comprehensive Sex Ed in the Classroom?**

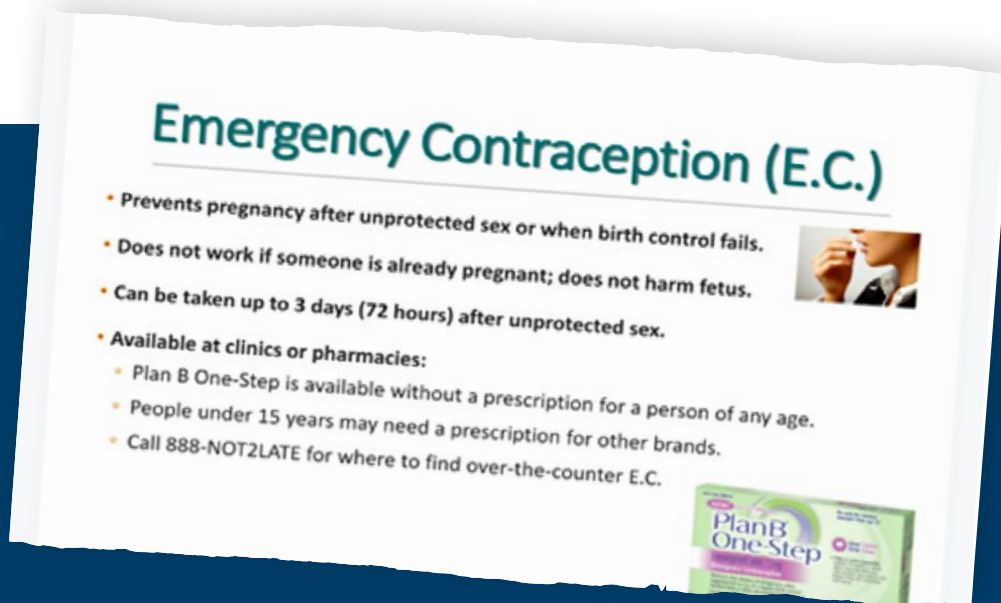
Not all CSE curriculums will go by this name. Here are specific examples of content to be aware of that may indicate your school is teaching radical comprehensive sex education.

**! Teaches Abortion:** Often these programs require or permit the teaching of *abortion* as a “natural pregnancy outcome.” States like Colorado and California require teachers to teach abortion as morally equivalent to other pregnancy outcomes like adoption.<sup>7</sup> If a teacher teaches adoption or abstinence, that teacher must also teach abortion and not emphasize any choice as ethically good or better. Many schools even allow Planned Parenthood instructors to come into the classroom and teach sex education and push their abortion-driven agenda. Some states will even pass out specific information about where a child can get an abortion and how the state government can pay for the expenses. Some states *do prohibit* schools from providing abortion referrals.

**! Teaches LGBT Sexual Experiences:** Many CSE curriculums will require the teaching of “culturally sensitive” or “culturally appropriate” content. This is code language for requiring the curriculum to teach the experiences of lesbian, gay, bisexual, and transgender individuals and more. One of the more controversial aspects of CSE is these lessons often include graphic and explicit discussions of sexual positions and promotions (and descriptions) of oral and anal sex to accommodate these groups.

One curriculum for fourth graders discusses sexual attraction and portrays homosexuality and bisexuality as safe, healthy, normal, and desirable parts of a relationship. In truth, it is the sole right of *parents* to define the boundaries of safe, healthy, and normal for their child, with consideration for their own sincere religious and moral beliefs. It is certainly not the right of the state to do so.





**EXAMPLE:** This lesson snapshot teaches students about abortifacients, (emergency contraceptives that can cause abortions like Plan B and Ella) and even directs students where they can find them providing a phone number (“Rights, Respect, Responsibility” High School Lesson 7: Know Your Options / Middle School Lessons 1: Birth Control Basics)

**! Teaches Contraception and Potentially Promotes Abortifacients:**

About half of the states and D.C. require students to be taught about contraception. Many of the states require the list of FDA-approved contraceptives be taught, which includes abortifacient (day-after) pills like Plan B and Ella.<sup>8</sup>

**! Prohibits Teaching or Stressing Conventional Ideas of Sex, Abstinence, and Gender Identity:**

Often CSE stresses children have “healthy” attitudes and behaviors regarding gender and sexual orientation. Colorado’s law requires that the CSE curriculum must not use “shame-based or stigmatizing language,” “employ gender stereotypes,” or exclude teaching on the experiences of LGBT individuals.<sup>9</sup> This law specifically targets sincere beliefs and values about gender identity and sexual relationships (e.g., abstinence, opposite-sex monogamy), marginalizing them as hateful views that should not be taught in the classroom and should be censored from the mouths of teachers.

**! Prohibits Stressing Abstinence:**

More current CSE laws such as those in Colorado and Washington prohibit abstinence-only sex education from being taught or even stressed! Most parents actually *want* their children to practice abstinence. In fact, the nation’s abstinence trend has been increasing, meaning the majority of teens are choosing to wait.<sup>10</sup>

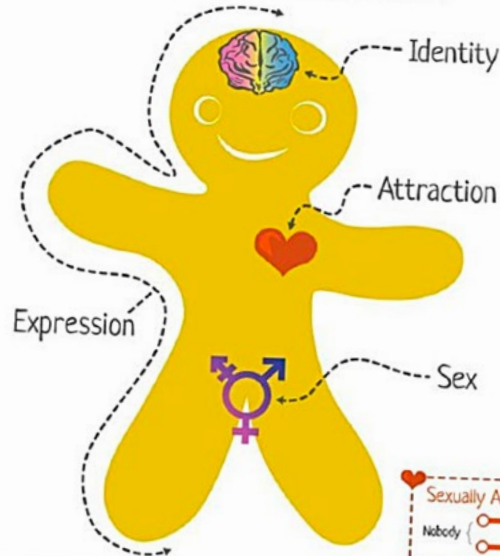
**! Requires Sex Education for Elementary Students:**

Some states like Washington require even kindergarteners to be taught basic “sex education.”<sup>11</sup> This includes teaching impressionable elementary school students that “biological sex” is a social construct and they may have been “born in the wrong body” with popular and colorful graphics like the “gender unicorn” or “genderbread” man (see page 10 for examples).

# The Genderbread Person v3.3

Gender is one of those things everyone thinks they understand, but most people don't. Like *Inception*, Gender isn't binary. It's not either/or. In many cases it's both/and. A bit of this, a dash of that. This tasty little guide is meant to be an appetizer for gender understanding. It's okay if you're hungry for more. In fact, that's the idea.

by its pronounced **METROsexual**.com



For a bigger bite, read more at <http://bit.ly/genderbread>

Plot a point on both continua in each category to represent your identity; combine all ingredients to form your Genderbread. 4 (or infinite) possible plots and labels combos.

**Gender Identity**  
 How you, in your head, define your gender; based on how much you align (or don't align) with what you understand to be the options for gender.  
 Woman-ness  
 Man-ness

**Gender Expression**  
 The ways you present gender, through your actions, dress, and demeanor, and how those presentations are interpreted based on gender norms.  
 Feminine  
 Masculine

**Biological Sex**  
 The physical sex characteristics you're born with and develop, including genitalia, body shape, voice pitch, body hair, hormones, chromosomes, etc.  
 Female-ness  
 Male-ness

**Sexually Attracted to**  
 Nobody  
 (Women/Females/Femininity)  
 (Men/Males/Masculinity)

**Romantically Attracted to**  
 Nobody  
 (Women/Females/Femininity)  
 (Men/Males/Masculinity)

In each grouping, circle all that apply to you and plot a point, depicting the aspects of gender toward which you experience attraction.

# The Gender Unicorn

Graphic by: **TSER**  
 Trans Student Educational Resources



To learn more, go to:  
[www.transstudent.org/gender](http://www.transstudent.org/gender)

Design by Landyn Pan and Anna Moore

**Gender Identity**  
 Female/Woman/Girl  
 Male/Man/Boy  
 Other Gender(s)

**Gender Expression**  
 Feminine  
 Masculine  
 Other

**Sex Assigned at Birth**  
 Female  
 Male  
 Other/Intersex

**Physically Attracted to**  
 Women  
 Men  
 Other Gender(s)

**Emotionally Attracted to**  
 Women  
 Men  
 Other Gender(s)

**EXAMPLE:** "Rights, Respect, Responsibility" is one of the first CSE curriculums that includes kindergarten through 12th grade. You can see these colorful images target young students, teaching them confusing concepts that their gender in their head might be different in their bodies and introducing discussions of sexual attraction far too early.

## Sex Education Words We DON'T Like ( Red Flagged Words):

The phrase “comprehensive sex education” isn’t always used by schools, school districts or legislators. Usually, the following terms will pop up in the law or curriculum guidelines, raising red flags that you might need to take additional steps to protect your child. While some of these phrases may seem harmless or even like a good thing, liberal activists have found new and twisted ways to reinterpret the definitions of some of these innocuous phrases. If you see all or most of these phrases in your curriculum guidelines, you’re almost certainly dealing with Comprehensive Sex Education.



### Age-Appropriate

**Age-Appropriate:** In more liberal states, this phrase is almost sure to mean the content will **not** be age-appropriate. This is a very subjective phrase that allows activists and large organizations like Planned Parenthood and SIECUS to push schools to teach elementary school students about gender, using the “age-appropriate” “genderbread” and “gender unicorn” (see graphics pictured on page 10).<sup>12</sup> This also allows the law to permit sex education to be taught for *all* ages, as long as it’s “age-appropriate.”

As you can see, neither of these graphics teaches your child about biology. They introduce confusing and very adult ideas to elementary, middle and high school students that are radically political: 1) your head might have a different gender than your body; 2) the way you dress can express a different “gender” than how you feel in your head, different than your bodily sex, or different than both! 3) biological sex has *nothing* to do with gender; 4) concepts of sexual, romantic, *and* physical attraction, often teaching that boys being sexually attracted to boys is as normal as boys being sexually attracted to girls. All of this ideology is intended to indoctrinate children into affirming and unquestionably accepting the radical ideology of LGBT activists that has no basis in science or fact.

Many people of faith believe our biological sex and gender identity are — or should be — one and the same, with our biology informing our gender identity. Bodily sexual reality is not chosen or changeable. Also, many people of different faiths only affirm and encourage heterosexual romantic and

sexual relationships, sex only within marriage, and do not support the idea that same-sex relationships are normal and healthy. Many families also object to their young children being taught sex education, period.



### Consent Education

**Consent Education:** Sounds very reasonable right? While lessons teaching consent make it clear all sexual activity should be consensual, it subtly teaches *all* sexual activity is okay provided consent is obtained. It teaches children



“yes, means yes!”, instead of “no, means no!” and may not allow students to address the nuances of coercive or even abusive sexual relationships. Being empowered to say “no” is an entirely different idea than “being empowered to say yes.” And many families are NOT okay with the government teaching their child *all* sex is good sex — provided there’s consent. Children have extreme difficulty discerning abusive behaviors, particularly of adults, and this type of education might make a child believe this abuse is okay.

In addition, legally, children *cannot* consent to sex to begin with. But this is usually not addressed in CSE that teaches about consent. Adults and even more mature teens are in a far easier position to exploit, manipulate, and harass younger teens and children all under the guise that “they consented.” This is why the law draws a bold, non-negotiable line that children cannot consent to sex. Yet, CSE teaches children as young as *elementary school* all the different ways they can say “yes to sex.”



### Comprehensive

**Comprehensive:** This is a scary word. This word, unlike many of the others, means exactly what it says. The sex education your child will receive is *comprehensive*. This means your child could be taught the full gamut of human sexual experience, controversial or not, healthy and safe or not.



### Culturally Appropriate

**Culturally Appropriate or Culturally Sensitive:** These are catch-all terms that allow liberal school boards or teacher unions to force into the curriculum a variety of controversial sexual experiences. This phrase often means addressing the potential sexual experiences of LGBT youth, but this category could certainly expand in the future.



### Safe and Healthy Relationships

**Safe and Healthy Relationships:** This language is deceiving. Unfortunately, this phrase means the government is defining for your children what the definition of “safe and healthy” is. Safe and healthy looks different for many families, depending on their religious, moral, and ethical beliefs. Many families would object to same-sex relationships being taught as safe and healthy. And the scientific evidence absolutely supports their objections. Many families would again rightfully object to the concept of transgenderism being a safe and healthy option for their children. Again, the science backs them up. Many families would object to children being taught how to give consent. They would not agree that this is safe and healthy. Most states use the word “healthy” in their sex education curriculum guidelines. Check to see if the words “safe” and/or “healthy” are paired with any of the red flag terms above!



### Medically Accurate

**Medically Accurate or Scientifically Accurate:** These words sound great together. However, the current major medical organizations are left-leaning, and support controversial ideologies such as transgenderism, same-sex relationships, and abortion. This means that when curriculum is referred to as “medically accurate” or “scientifically accurate” that these controversial ideologies get a green light in the classroom. If you see medical organizations in your guidelines or laws, look them up and check out their stance on abortion, teen sexuality, and other topics. This will give you a great idea as to what ideology will be in the classroom.



## Curriculum Programs to Watch Out For:

The following are CSE curricula that include content developed by *outside* organizations, such as Planned Parenthood, SIECUS, and LGBT activist groups, but taught *inside* schools:

- Above the Waist
- Be Real. Be Ready
- Discovery Dating
- Get Real: CSE that Works
- FLASH, It's Perfectly Normal
- Native Stand
- Project AIM
- Rights, Respect, Responsibility
- SIECUS Guidelines for Comprehensive Sexuality Education
- Teen Outreach
- Teen Talk

These are known to be federally-funded CSE programs:

- All4You! Positive Prevention Plus
- Be Proud! Be Responsible! Be Protective!
- ¡Cuídate!
- Draw the Line or Respect the Line
- Healthy for Life
- It's Your Game: Keep It Real™ (IYG)
- Making a Difference
- Project SNAPP
- Reducing the Risk
- Safer Choices
- Teen Outreach Program (TOP)

Virtually all of these programs show a significant rate of failure, even up to 85%.<sup>13</sup> In extensive studies, some of the programs above had a 100% failure rate in improving teen abstinence *and* condom use. Some of these programs were found to have increased condom use, but at the same time increasing sexual activity, which was considered failure. Many also resulted in massive failure rates in decreasing sexual activity with contraceptive use — a major goal of CSE.<sup>14</sup>

## Sex Education Words We DO Like! (👍 Green Thumbs Up):



### Opt-In and Opt-Out

**Opt-In and Opt-Out:** Most states allow you to opt your child *out* of sex education. Though your child might be automatically enrolled in sex education, you can often opt your child out of all lessons, and they should not be penalized for it. Some states even have “**opt-in**” programs, which means your child will not be enrolled into sex education classes without your explicit permission—placing the burden for obtaining permission on the *school* rather than parents.

**Note:** There is a difference between **excusing** your child from class and **opting** your child out of a class. Excused absences are often temporary, and the student is often *still* responsible for missed classwork. Also, the school can *decline* to grant permission to **excuse** an absence for some reasons. **Opting-out** your child ensures they are *not* responsible for attending classes that are objectionable and the student does *not* have to complete classroom work. (Although a school *may* provide alternative lessons for your child to complete.) Opting-out for religious purposes is a legally protected right. (Excused absences may not be a legally protected right, depending on your reasons or the importance of the classwork.) Ensure you and the school principal and teachers are very clear about which option you are requesting and why!



### Sexual Risk Avoidance

**Sexual Risk Avoidance or Stress Abstinence:** (SRA, formerly known as abstinence-only education) or stressing-abstinence content is an alternative sex education curriculum that focuses on teaching students the individual and social benefits of self-control, goal setting, personal responsibility and healthy decision-making. Sexual Risk

Avoidance education stresses the numerous benefits of teens delaying sex. We Ascend is a group that works to help youth delay sexual activity and avoid risky sexual behaviors. They explain that SRA “is the only behavior that completely protects youth from the possible consequences of sexual experimentation and is completely compatible with a strong risk avoidance public health model . . . SRA is the only real solution to the problem of STI’s, teen pregnancy, and emotional harm often caused by teen sexual activity.”<sup>15</sup>

This approach is intended to help *teens* avoid all the negative outcomes of becoming sexually promiscuous early on, usually defined as before graduating from high school.

Over half of the states are permitted to stress sexual risk avoidance over sexual rights education.

Keep in mind, just because the law *permits* teachers to stress abstinence does *not* mean it is required. In fact, in many of these states the curriculum not only does **not** stress abstinence, it teaches that all “consensual” sex is good sex for teens. To find out if your school is actually teaching an SRA curriculum, review the content and test it against the “Words We Do Not Like List,” on page 11.



### Parental Notification


**Parental Notification and/or Consent:** Many states require that parents must be notified prior to their child being taught or enrolled in a sex education program. These laws vary state-by-state. Check in with your local school board or state department of education to find out if you have to be notified prior to controversial content being taught in the classroom. If not, feel free to reach out to your student’s teachers and respectfully ask if they’d be willing to keep you personally informed.



## Get INFORMED

### Know the Facts

- The delay of a child’s sexual initiation past the age of 18 has long-lasting benefits. Those benefits can’t be eliminated by the use of contraceptives and successful STI avoidance. Teens who delay sex past the age of 18 do better in school, are less likely to be exposed to sexual abuse, have increased beneficial physical and mental health outcomes, have more stable relationships, are less likely to engage in other risky behaviors like drinking, smoking and experimenting with drugs, are more social, have greater net worth over time, and more.<sup>16</sup> It is not clear why early teen sex has a cascade of negative consequences, but the evidence clearly tells us one thing: Science proves it’s better to wait!
- Parents generally support basic sex education, but most parents do **not** support education that promotes early engagement in sexual behavior.<sup>17</sup>
- Parents should keep in mind teachers often have limited control over curriculum content and subjects being taught. (This is usually controlled by the local school board, state board of education guidelines and even federal law.) Although your teachers might really want to help you and respect your beliefs, their hands might be tied by state law or school board requirements.
- Be sure to read all materials your child’s school sends home. The school/school board sending a note home or posting on their website is often enough for the school to say they have “notified” you about content. Also, don’t be afraid to look over what books, pamphlets and other resources they might be checking out from the school library or receiving from teachers.
- Be proactive in monitoring resources and information your child’s school produces. Read all your child’s homework assignments, scan their textbooks, and ask them about their day and what they’re learning in detail. What you learn can make you breathe easier or alert you that you might need to take more steps to protect your child. Don’t forget to ask about movies that may have been shown in class, resources available in the nurse’s office, and more. (See next section on “How to Protect Your Child.”)



*Most states allow you to opt your child out of sex education. Though your child might be automatically enrolled in sex education, you can often opt your child out of all lessons, and they should not be penalized for it.*

- Form good, open relationships with your child’s teacher, school counselors, assistant principal and principal. Meet with teachers and the school principal regularly and ask them to notify you when there may be content taught that could cause you concern or when they plan to have outside speakers come into the school. Meet with them again if you or your child’s boundaries are violated or your rights are not respected. At times, open communication and good relationships just aren’t enough and you might need to take more serious action. (See “How to Protect My Child” for more specific tools to protect your family’s rights.)
- The Federal Department of Education does not explicitly protect the religious freedoms of students in schools, nor do their rules address religious discrimination. But the Department of Justice does enforce religious freedom protections for students and teachers in public schools. So if a school or school district is violating your religious beliefs (such as refusing to allow your child to opt-out of sex education), you may be able to file a complaint with the Department of Justice.

### **SRA vs. CSE**

- The group We Ascend cites research from the Barna Group, Pulse Opinion Research, and the U.S. Department of Health and Human Services to demonstrate that there is overwhelming support for SRA from parents.<sup>18</sup>
- In one sweeping study, “Only three out of 60 studies of

40 school-based CSE programs found evidence” of the content producing any positive effects such as increasing teen abstinence, increasing condom use or reducing teen pregnancy rates.<sup>19</sup>

- “When it comes to preventing high-risk behavior among teens, the evidence is clear: risk avoidance is the most effective strategy. This is true of successful public health campaigns to reduce teenage smoking, drinking, and reckless driving, and it is also true of sex education curricula.”<sup>20</sup>

### **Schools and School Boards**

- In many states, school boards have the sole right to choose curriculums for their schools. School boards often have opportunities for parents to join review committees, speak publicly and share their thoughts and concerns. So get involved! Write to your school board members about content that you have concerns about! There are likely other parents that share your perspective. This is where you can raise concerns, questions, and suggestions about controversial sex-ed content and content that is biased against Christians, conservatives, and others.
- Vote for school board members who share your values, or run for your school board! Some school districts allow district members to vote for candidates for vacant school board positions. The school district website may have information on when and where to vote and running for a school board position.

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## **Know the Law**

### **Relevant Federal Law:**

States and Local school districts are mostly responsible for the type of content they’ll have in the classroom. While the federal government does not mandate sex education curriculum in state classrooms, it *does* fund certain sex education programs. The federal government will pay

schools for using *their* programs. Here are some of the federally-funded programs that you may come across:

**Title V State Sexual Risk Avoidance Education Grant Program/Competitive SRA Grant Program<sup>21</sup>:** These funds are available to programs that promote abstinence through Sexual Risk Avoidance Education.



**Teen Pregnancy Prevention Program:** This program funds schools that claim to be teaching teens how to practice safe-sex.<sup>22</sup> In the past, these federally-funded sex education programs were focused on abstinence and teen pregnancy prevention. Today, much of the government's Teen Pregnancy Prevention Program has now been *outsourced to Planned Parenthood* and its allies. A lot of the programs we have red-flagged above (in the "curriculums to look out for section") are funded through this grant.

**Personal Responsibility Education Program (PREP):** This federal program educates youth on abstinence and the use of contraceptives and pregnancy prevention, and it

targets children as young as 10. It focuses on underserved communities, such as rural communities or those with high birth rates, and provides support to pregnant teens. (FL, ND, TX, VA, and IN have received funding under this program.)<sup>23</sup>

**State Personal Responsibility Education Program (PREP):** This program awards grants to states that will teach contraception and abstinence with a target for reaching vulnerable youth such as homeless youth or those in foster care.<sup>24</sup>

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## Know Your Rights

**Parental Consent:** Many states allow a parent to consent to their child taking sex education or health classes. This means you can say "No!" and opt your child *out* of sex education classes entirely. In addition, if classroom content violates your religious beliefs or rights of conscience, you have the right to opt your child out of specific lessons. Be sure to submit your *opt-out* to your school officials in writing!

**Note:** Planned Parenthood and other radical groups are fierce advocates of eliminating parents from a child's sexual decision-making, including the consequences of teen sex. These groups want your child to be able to access contraceptives, birth control, STI treatment, and even abortion *without* your knowledge or consent. Some state laws allow parents to be excluded from these decisions their child may make.

**Curriculum Review:** You have the federal (and often state) right to request a copy of your child's *school curriculum* from your local school board of education.<sup>25</sup> School districts may also post-school curriculums on their websites. School curriculum is usually considered a matter of public record and is required to be released to families, although you

may be responsible for copying costs. Take this opportunity to review curriculum for inappropriate content, biased material, or content that contradicts your family's values. Be prepared to talk with your child about your values and beliefs and what they are being taught.

**Lesson Plan Review:** You have the federally protected right to review teacher lesson plans and examine textbooks and other supplemental materials (like videos, activities, games, etc.).<sup>26</sup> As a courtesy, be sure to give the teacher ample notice you'd like to review their lesson plans or other instructional materials. It is also important to build good relationships with your student's teachers to make access to content far easier.

**Observe Class:** You have the federally protected right to observe your child's class.<sup>27</sup> You may need to provide the school notice beforehand. Some schools are actively seeking parents to sign waivers that they will not observe their child's classroom. You have the federally protected right to do so, even *if* you've signed a waiver and later change your mind.

**Interact with Staff:** You have the federally protected right to speak with school staff and participate in your child’s learning activities.<sup>28</sup>

**Opt-Outs for Surveys and Assessments:** Federal law requires schools allow parents to opt their children out of surveys and assessments that contain invasive or deeply personal questions about your child’s sexuality; gender identity or expression; sexual experiences; moral, religious, or political beliefs; emotional or psychological problems; income level; immigration status; or criminal behavior and more! Often this opt-out *must be in writing*.

**Parental Notification:** One U.S. Centers for Disease Control study found that only about 69% “of high schools notify parents or guardians before students receive instruction on human sexuality topics.”<sup>29</sup> Most states require parents be notified prior to the start of sex education, health, or other related classes. (This notification does not apply if the “sex education” topic is brought up in another class, like social sciences.) Check with your school to find out if they must notify you before your children receive human sexuality instruction. Schools do *not* have to notify you about LGBT curriculum content or if there will be content that violates your family’s religious beliefs.


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## Know Your Child’s Rights

Often the school environment has led to courts limiting the rights of students. When it comes to protecting your child from comprehensive sex education, most of the rights and responsibilities rest with parents and the schools. Here are some protected rights your child has:

- The state cannot require students to act in a manner that violates their religious beliefs. If your child objects to classroom content because of their personal religious beliefs, help them submit a letter to the school in writing with their objections.
- Your child has the right to express their beliefs in the classroom, provided they are not doing it at an inappropriate time or in a disruptive manner. Your child should never be censored, disciplined, or experience other negative consequences from expressing their beliefs or opinions. This right is protected under the First Amendment as Free Speech.
- The right to Free Speech also includes the right *not* to speak, i.e. the right to be silent. So, children cannot be *forced* to say things that violate their faith or conscience. For example, a child cannot be forced to use transgender pronouns or promote abortion in a classroom assignment. This right does apply to both verbal and written speech and sometimes actions.

Your child’s school *cannot* withhold graduation from your child for opting out of classes due to their sincerely held beliefs. If the school provides alternative content that is acceptable to your family, your child has the traditional duty to complete this content for classroom credit. If the school does provide additional content, your child’s opt-out should have no impact on their grades or graduation.

  
*Your child should never be censored, disciplined, or experience other negative consequences from expressing their beliefs or opinions.*



## BE YOUR CHILD'S CHAMPION

### Ways You Can Protect & Advocate for Your Child

**Curriculum Review Workshops:** Your school or school district might host a workshop for parents to review curriculum, comment, and offer suggestions and criticisms prior to the curriculum's adoption by the school district.

**Formal Petition Process:** Some school districts allow parents to file a complaint with their local school board regarding school content. Most states allow families to file complaints with their state board of education if your rights are not being honored in schools. You can even file a complaint with the Federal Department of Education if these are serious and/or repeated violations. If a school has repeatedly violated your religious freedoms, you can even file a complaint with the U.S. Department of Justice.

**School Choice:** Given the serious concerns families may have about controversial sex ed content in the classrooms, and the difficulty some schools and school districts may present for families exercising their rights, it is

important families are aware of their school choice options in their state.

**PTA or PTO:** Join your school's Parent-Teacher Association, Parent-Teacher Organization, or other Parent Group, and stay up-to-date on content that's being taught in other classrooms. Building close relationships with teachers and other parents can have an enormously positive impact, especially if teachers are getting continuous positive feedback on classroom content from active parents.

**School Board Meetings:** Speak up at school board meetings about controversial content, content you find offensive, or content that undermines your family's religious, moral, or ethical beliefs. In addition, share if content is being taught in a patently offensive and biased manner and give examples! School boards have the authority to pull or change curriculum content!

## Notes

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- 3 See for example, Emma Green, *The Fear of Islam in Tennessee Public Schools*, THE ATLANTIC, (December 16, 2015) accessible at <https://www.theatlantic.com/education/archive/2015/12/fear-islam-tennessee-public-schools/420441/>; Sarah Netter, *Textbooks May Be Too Pro-Islam, Anti-Christian, Texas State Education Board Says*, ABCNEWS, (September 22, 2010) accessible at <https://abcnews.go.com/US/textbooks-pro-islam-anti-christian-texas-state-education/story?id=11697738>
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- 5 Lance Izumi et al., *The Corrupt Classroom: Bias Indoctrination, Violence, and Social Engineering Show Why America Needs School Choice* (2017).
- 6 *Id.*
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- 10 National Center for Health Statistics 2015, *Key Statistics from the National Survey of Family Growth*, NHS REPORTS 2011-2013, available at [http://www.cdc.gov/nchs/nsfg/key\\_statistics/t.htm#teenagers](http://www.cdc.gov/nchs/nsfg/key_statistics/t.htm#teenagers).
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- 12 SIECUS stands for Sexuality Information and Education Council of the United States and is a radical sexual rights organization. Genderbread image citation: German Lopes, *Gender Identity Explained in an Adorable Infographic*, VOX (March 2015), available at <https://www.vox.com/2015/3/10/8180533/genderbread-man>.
- 13 Failure rates measure whether certain negative outcomes for teens increased or had no change, and positive outcomes increased.
- 14 See, Irene H. Ericksen, M.S., et al., *Re-Examining the Evidence for School-Based Comprehensive Sex Education: A Global Research Review*, 34 ISSUES IN LAW AND MEDICINE, 2, 161-182 (2019), available at <https://www.institute-research.com/published-cse.php>.
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- 16 See for e.g., A.L. Spriggs, et al., *40 Timing of Sexual Debut and Initiation of Postsecondary Education by Early Adulthood*, 40 PERSPECTIVES ON SEXUAL AND REPRODUCTIVE HEALTH 3, 152 (2008); See also, A. Kastborn et al., *Sexual Debut Before the Age of 14 Leads to Poorer Psychosocial Health and Risky Behavior in Later Life*, 104 ACTA PAEDIATRICA 91 (May 4, 2015); T. Sandfort, et al., *Long-Term Health Correlates of Timing of Sexual Debut: Results From a National US Study*, 98 AMERICAN J. OF PUBLIC HEALTH 155 (2008); R. Finger, et al., *Association of Virginity at Age 18 with Educational, Economic, Social, and Health Outcomes in Middle Adulthood*, 3 ADOLESC. FAM HEALTH 164 (2004); J.G. Tubman, et al., *The Onset & Cross-Temporal Patterning of Sexual Intercourse in Middle Adolescence: Prospective Relations with Behavioral & Emotional Problems*, 67 CHILD DEV. 327e43 (1996); A. Kastborn, et al., *Sexual Debut Before the Age of 14 Leads to Poorer Psychosocial Health and Risky Behavior in Later Life*, 104 ACTA PAEDIATRICA 91 (May 4, 2015).
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- 20 See U.S. House of Representatives, Committee on Energy and Commerce, *A Better Approach to Teenage Pregnancy Prevention-Sexual Risk Avoidance*, 1 THE POLICY PAPER SERIES: TRANSFORMING IDEAS INTO SOLUTIONS 2 (July, 2012).
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Protecting **YOUR** Child


# IN SCHOOL HEALTH ROOMS, CLINICS, AND COUNSELING OFFICES



*“There is far more going on in school clinics today than most parents recognize. This section of “Back to School for Parents” will give parents the important wake-up call and preparation they need as their children enter into the pre-adolescent and adolescent years.”*

**JEFFREY BARROWS, DO, MA, (ETHICS)**

Senior VP Bioethics and Public Policy, Christian Medical & Dental Associations



## What's **HAPPENING** at School

### Why Should I Be Concerned?

School nurses, healthcare clinics, and counselors may give advice and recommendations—or worse, referrals and treatments—to your child that contradict your family values and religious beliefs. Parents should look out for controversial care, which might promote radical, liberal ideology, like the “healthiness” of same-sex attraction, transgenderism, abortion, and controversial drugs that can cause early abortions (like Plan B and Ella).

If a school has a full health clinic, it is likely able to write prescriptions for pills (e.g., the abortion pill or cross-sex hormones) or implant IUDs without your express consent or even your knowledge. These clinics can and do provide students with Planned Parenthood resources or referrals, treat your child for sexually transmitted infections (STIs), and coach your child on gender identity and sexuality.

When it comes to mental health care, a counselor could be treating your child for suicidal thoughts, providing therapy that affirms and encourages a child’s unwanted same-sex attraction or gender-identity struggles, or providing referrals for addiction programs, abortion services, or cross-sex hormone treatment—all without your knowledge and consent. In fact, in some of these scenarios, state and even federal law may require the counselors to keep this information from you to protect your child’s medical privacy. This is why it’s imperative you know *exactly* what kind of care your child might receive under a school’s health program.

### **!** BE AWARE

### How can schools do this?

Most parents will sign a general consent form for their child’s medical care and/or mental healthcare at the beginning of the school year. But this form often does not begin to inform parents about all the “care” their child might receive, nor do these consent forms clearly signal to parents the sheer scope of their consent. As far as financing, most school-based health clinics are funded out of the school’s budget and/or through the state Medicaid program. This means you may *never* see a bill or receive notice of the *details* of care your child is receiving. This is why it’s important you know the scope of care the school’s nursing/clinic and counseling office provides and what your consent means.





## Get INFORMED

### Know the Facts

- Read all paperwork regarding school healthcare very carefully. Pay close attention to packets and forms that come home at the beginning of the year, which often include medical consent forms. Some forms might have an itemized list of what kind of care you consent to if you sign, but generally, the forms will have much broader statements regarding care, making no mention of the more drastic measures a school can take to treat your child.
- School-Based Health Clinics (SBHC's) are full-service health clinics with a licensed doctor or R.N. and can even act as your child's primary healthcare provider, treating and diagnosing all your child's physical and mental health needs. SBHC's provide similar care to nurses' offices such as physicals, vision and hearing screenings, and scoliosis screenings—but they can also do much more. SBHC's can write and dispense prescriptions, prescribe and implant contraceptives, provide vaccinations, and more.<sup>1</sup> These clinics are often funded by the state. Review these consent forms with particular care.
- School nurses, doctors, and mental health counselors will, in most circumstances, be treating your child without your presence. School health staff will often (and are even encouraged to) discuss sensitive personal issues with your child like sexual activity, the use of contraceptives, abortion access, drug use and addiction, and STI treatments.
- Although you might provide limited consent for your child to be treated by a school health clinic, just know once a school health clinic decides that a particular treatment is “medically necessary” for your child, this **could** mean, you, as the parent, have a legal obligation to ensure your child receives that treatment. Religious objections are still constitutionally strong reasons for parents to decide *against* treatment, but other reasons for objecting may not be.
- Parents have a duty to provide care for their child in emergency situations. They also have an obligation to follow the advice of doctors treating their child and dispense prescribed medication if it would substantially benefit their child. In *some* states, parents *can* get a religious exemption from treatment if the treatment would violate their sincerely held religious beliefs (e.g., if receiving a vaccination would violate one's religious beliefs). But some states do *not* allow religious exemptions for certain conditions or treatments.

*Religious objections are still constitutionally strong reasons for parents to decide against treatment, but other reasons for objecting may not be.*





This is only to say, if you choose to have your child seen by a school nurse or doctor, you also might be obligated to follow-through on certain treatment recommendations.

- Schools have a general duty to aid and protect their students. Not only must schools provide a generally safe environment for students, but if a child experiences an *emergency* medical situation, the school must take action to help a child (like providing first aid) or get immediate help (like calling an ambulance). The school does *not* have to obtain parental consent first, because

in an emergency, time is of the essence. Yet, many school districts are defining “emergencies” in broader and broader situations to keep parents in the dark, such as deeming a child’s mental health regarding gender dysphoria or an unwanted pregnancy an “emergency” where the school can refer the child to a gender resource clinic or abortion clinic without parental knowledge or consent. It is always good to limit your consent to these services, in writing, at the beginning of the year.<sup>2</sup> You can also request if the school treats your child in an emergency, that they notify you *as soon as possible* to the actions they took to help your child.



*One Washington mother signed a consent form for the school’s clinic to treat her 15-year-old daughter while in school. The mother thought her consent just meant treatment for earaches or offering routine physicals. She was outraged when the school not only provided pregnancy testing for her daughter but proceeded to excuse her 15-year-old from class and even help her get a taxi to an abortion clinic—all without informing the mother.<sup>5</sup>*

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ABC NEWS STORY

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## Know the Law

### Relevant Federal Law:

**HIPAA (Health Insurance Portability and Accountability Act):** This is a federal law that protects the medical privacy of individuals. HIPAA allows parents to have access to their child’s private medical records so long as access is not a violation of other state or federal law. (For example, if your child can consent to their own care or is being treated for STI’s, addiction, or serious mental health concerns, you may not be able to access your child’s medical records. Also, if you provide consent that your child can have a confidential relationship with the school medical staff, you might also not be able to have access to your child’s records.)

### Relevant State Law:

**Check your state’s consent laws.** Some states allow minors to consent to their own medical care in exceptional circumstances. For example, the majority of states allow minors to consent to their own medical care if they are married, legally emancipated, or seeking treatment for addiction/STD/HIV treatment, pregnancy care, access to contraceptives, and certain types of mental healthcare.

**Note:** If your child is receiving services through Title X (family planning) or Medicaid, you most likely do not have the ability to access your child’s private medical records.<sup>3</sup>

## Know Your Rights

- If you choose to sign a consent form for your child to receive medical care from a school nurse or clinic, you have the right to limit the scope of healthcare you consent to based on your personal, moral, and ethical beliefs. For example, “I consent to my child being treated for minor cuts and scrapes, but for anything further, I require the school to get my express consent.”



*“I don’t like my child being used for you to get money for a system that I don’t support . . . We have a healthcare facility, we have a doctor. If I want to discuss sexually explicit things with my children, I’ll do so in my home or at my doctor’s office.”<sup>4</sup>*

— WILLIS, LOUISIANA MOM —

- You have the right to know who is providing medical services to your child unless state law has other restrictions. (For example, some states do not allow healthcare providers to release information regarding pregnancy healthcare for your child.) Also, if your state legally allows your child to consent to their own healthcare in some situations (like prenatal care or addiction counseling), this information *cannot* be released to parents without your *child’s* consent.
- You have the right and legal duty to provide necessary medical care for your child. This may seem obvious, but it’s important to note that licensed healthcare professionals have a lot of power in deciding what care is “necessary.” Usually, necessary care includes care that will prevent your child from experiencing serious harm. This becomes important if the professional’s idea

of “necessary care” and “harm” is very different from your own. If there is a disagreement, a healthcare official can file a complaint with the state, and a court *can* override a parent’s decision and require treatments for a child.<sup>6</sup>

- You have the right to refuse treatment for your child that isn’t mandated by law or considered “medically necessary.”
- You have the right to talk with school officials about your child’s treatment and share your concerns or questions. Don’t hesitate to inform healthcare staff or other school officials, calmly and respectfully, if you believe your parental rights have been violated (such as your child being treated without your consent). These are serious issues that demand a swift resolution. Ensure clarity on what your expectations and boundaries are for your child’s treatment and submit these to your school officials in writing.
- Schools often distribute surveys to students regarding sexual activity, identity, mental health problems, illegal activity, religious affiliation, income, and more. The school must notify you in advance of these surveys and obtain your consent, although parents have reported surveys being distributed without their knowledge. You have the federally protected right to opt your child out of taking these surveys.<sup>7</sup>





## Know Your Child's Rights

- Parents *cannot* consent to medical treatments that might violate their child's constitutional right to bodily integrity or reproductive privacy. For example, parents *cannot* consent to have their child's organs removed for organ donation, sterilization procedures for their child, or forcing the termination of a pregnancy without court intervention.
- In some states, minors are given the legal right to consent to certain types of medical care. In these instances, your child can obtain care without your knowledge and/or consent.
- Some states allow minors who are deemed sufficiently mature (i.e., in possession of the ability, capacity, and motivation to make their own informed medical decisions) to consent to their own medical care. Often a doctor will make this determination, or at other times it might be the court.
- Minors have the right to consent to abortion access without your knowledge or consent in some states. In every state, a minor has the right to seek permission from a court *instead* of their parents. Keep in mind, abortion providers are all too happy to walk your child through the court process.
- You have the right to make medical decisions on behalf of your child without the consent of your child's other parent unless a court order has said otherwise, or in circumstances that involve removing life-sustaining treatment from your child.
- In some states, your child may have the right to refuse mental health therapy that seeks to help them accept their biological sex or encourages opposite-sex attraction. This means, for example, if your child desires to have a transgender identity, you may not be able to provide them counseling that helps them embrace their birth sex if your child refuses to attend. In some cities and states, it is illegal for counselors to provide help to minors struggling with unwanted homosexuality or gender confusion.

## BE YOUR CHILD'S CHAMPION

### Ways You Can Protect & Advocate for Your Child

- When signing a consent form, you *can* **limit the scope of your consent**. You can write on the form directly or submit a separate letter that the school/SBHC does *not* have your permission to, e.g., write prescriptions or provide referrals to outside agencies without your specific notification *and* consent.
- If possible, **ensure your child's primary care doctor is someone you and your family can trust** and one who will respect your beliefs. If your child's primary care is through their school, build a relationship with their school nurse/doctor and make your beliefs and desires clear. It's always a good idea to put your religious beliefs and what they mean for your expectations regarding medical care in writing, and a good school will record this information in your child's file.
- Ask to **review materials your school health staff may be distributing to students** in group sessions, classroom activities, or assemblies *prior* to these activities. School health staff will often be updating students throughout the year on their services or providing pamphlets or flyers with advice, recommendations, and even referrals for some of



the controversial issues we've covered here. If you object to the content, you might be able to excuse your child from these activities. At the very least, you will have the opportunity to talk to your child ahead of time if you know what's coming.

- **Be aware school health clinics may also distribute surveys to students that are sometimes sexually explicit** (e.g., such as asking a student if they have had sex and what kind). Schools are paid by the federal government for each survey they return, so they have an incentive *not* to notify parents before distributing these surveys, although they are required by law to notify you. If you are uncomfortable with your child taking surveys regarding sex, sexuality, and/or gender identity, submit your opt-out to school officials in writing.

*It's always a good idea to put your religious beliefs and what they mean for your expectations regarding medical care in writing.*







Protecting **YOUR** Child

# IN SCHOOL LOCKER ROOMS, BATHROOMS, and other Private Spaces



*“A biological girl has to fight back tears out of concern for her safety & privacy, all because biological males who ‘identify’ as transgender are now free to use her locker room and bathroom while she changes.*

*Absolutely shameful. Stop the madness.”<sup>1</sup>*

CHARLIE KIRK

A young girl with blonde hair is sitting on a yellow bench in a school restroom. She is looking towards the camera with a slight smile. The restroom has several urinals and sinks in the background.

# What's **HAPPENING** at School

## Why Should I Be Concerned?

Every citizen, including children, has the constitutional right to privacy, dignity, bodily integrity, and safety. These are fundamental rights that must be protected. Parents have the right to expect their child will be protected while on school property or when engaging in school activities. Young children and teens should never be forced into intimate spaces with children of the opposite sex, particularly in situations where adult supervision is minimal.

Just as concerning, schools do **not have to inform parents there is an opposite-sex child using private facilities with other children.** This dramatically decreases parents' ability to protect their children.

All students deserve to feel safe, not just the one percent. No student should have to suffer anxiety, humiliation or embarrassment from sharing a sex-segregated space with a student of the opposite sex.



*"[My school] didn't even bother to tell me or the other students that they changed school policy to allow students to choose their locker rooms and restrooms based not on their sex, but their beliefs about their gender. . . The moment I walked into our girls' restroom and found a boy standing there, I turned and fled. . ."*

— ALEXIS L., PENNSYLVANIA —





## Get INFORMED

### Know the Facts

- The majority of **Americans believe** multi-person bathrooms that are segregated by sex should not be open to members of the opposite sex, even if that individual identifies as transgender.<sup>3</sup>
- Less than **2%** of high school students identify as transgender.<sup>4</sup>
- Many schools claim that opening bathrooms and other private spaces to transgender-identifying students is a result of their “non-discrimination” policies that “treat all students equally.” They also claim mixing sexes in bathrooms and locker rooms is the result of anti-bullying policies to ensure the school environment is safe and harassment-free. Yet, never before have boys claimed it was discrimination and government bullying to be denied access to a girls bathroom (and vice versa)—until now
- Keeping sex-segregated facilities is **not harmful** to transgender-identifying students. These students have access to the same bathroom that matches their biological sex, just as every other student does. Is it harmful to boys to keep them out of girls bathrooms? No. Nor should a transgender-identifying boy be granted special privileges to access a girls bathroom.
- When public accommodations open female-only bathrooms to males (who claim they are female), the incidents of **sexual predatory** behavior increase. This does not mean transgender-identifying individuals are





more likely to show predatory behavior. It **does** mean free-for-all bathroom policies signal to perpetrators they are easier places to gain access to victims.

- According to the Department of Justice, “30-50 percent of youth are **sexually abused** by other juveniles.”<sup>5</sup> The U.S. Centers for Disease Control and Prevention (CDC) teach one primary strategy in preventing sexual abuse is creating *protective environments*. This means “improving safety and monitoring in schools.”<sup>6</sup> Schools are already falling behind in creating protective environments for students, with

almost 55,000 serious, violent incidents (including rape and sexual assault) being reported by public schools in 2018 alone. Schools should be working hard to ensure the safety of all students, not pushing policies that risk student safety for the sake of a political agenda.<sup>7</sup>

- In states where laws give special privileges based on gender-identity in schools, there may not be much parents can do except consider **private school options or special accommodations** for their child to use (for example, a nurse’s bathroom or staff bathroom).<sup>8</sup>

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## Know the Law

Unfortunately, many schools will claim they have a transgender “friendly” bathroom policy to “follow federal law.” *Yet, there is no federal law that requires schools to allow bathrooms, locker rooms, and other sex-segregated spaces to be available to the opposite sex.* When schools mention “federal law,” they are most likely referencing the laws below. Here’s a quick run-down of what these laws *actually* say.

### Relevant Federal Law:

**Title IX<sup>9</sup> (Title Nine):** *Title IX was part of a suite of civil rights laws passed in 1972 to ensure that girls have equal access to educational and athletic opportunities with boys.*

It’s good to mention Title IX when you communicate with school officials (e.g., testify at school board meetings or write a letter to the principal) and remind the school that Title IX specifically *permits* schools to maintain sex-segregated private spaces. (34 C.F.R. 106.33).

**Bostock v. Clayton, 590 U.S. \_\_\_(2020):** *This Supreme Court Decision might not come up. But if school officials or*



*school board members do bring it up, you can be prepared by reminding them this decision does not apply to schools.*

The *Bostock* decision stated that it was “discrimination on the basis of sex” for *employers* to fire gay or transgender employees on the basis of sexual orientation or gender identity. Some school officials might use these decisions to justify their policies that allow students into the private spaces of the opposite sex because of gender identity. So, it’s good to know this Supreme Court decision *only* applies to *employers* and does not apply to schools and their locker room or bathroom policies!

### Relevant State Law:

Many states have a law that requires all public accommodations to allow transgender-identifying individuals to use the public bathrooms, locker rooms, showers, etc., that match their gender identity. The term “public accommodations” usually means government buildings and entities generally open to the public—such as restaurants, places of business, gyms, hotels, etc. In some states, the term includes schools—and even school bathrooms.

**Note:** States may have policies about bathroom and locker room use, but so do local authorities. Currently, over **300 cities and counties** have laws (i.e., a local ordinance) that also require the gender identity of an individual take precedence over biological sex in public accommodations. Very few states (including Arkansas, Tennessee and North Carolina) currently prohibit cities from passing special privileges based on gender identity, explicitly protecting the safety and privacy of men, women and children in public bathrooms, including schools.

## Know Your Child’s Rights

- Your child has the right to bodily privacy. Often this means your child has the right to use a sex-segregated restroom/locker room/changing room/shower, etc. Unfortunately, many states have determined transgender bathroom policies do *not* violate a student’s rights to privacy, provided the school provides options for the students who are uncomfortable sharing bathrooms with the opposite sex. These options can be allowing your child access to a staff bathroom, nurse’s bathroom or providing access to a single-stall restroom.



*Parents have the right to expect their child will be protected while on school property or when engaging in school activities*



- Students also have the right to attend school without being in a hostile environment, harassed, or bullied. If your child is being harassed or bullied in a private space, take detailed notes and report these incidents immediately to school officials. If the harassment and bullying is persistent, you may be able to file a complaint with your state Department of Education or even the federal Department of Education.

## BE YOUR CHILD'S CHAMPION

### Ways You Can Protect & Advocate for Your Child

Ask your school if they have a policy that permits students to use bathrooms and locker rooms based on gender identity. If the answer is yes, be aware, and talk with your child.

- Ask your child's school if they have a **transgender student policy guide or gender inclusion/diversity guide**. If yes, this guide may provide clear statements on the school's bathroom/locker room/overnight accommodations policy. Also, read your school's **anti-bullying** policy carefully (or check your state law for anti-bullying directives for schools). These policies may also specifically discuss gender-identity, which is a sign private spaces might be open to the opposite sex.
- If your school has a policy that allows transgender-identifying students access to opposite-sex bathrooms, locker rooms, hotel rooms, or other private spaces, you can request the school provide your child access to a single-stall restroom, nurse's bathroom, or staff bathroom. Your school may also have other alternative solutions to make sure your child feels safe.
- Record all incidents your child encounters in a sex-segregated private space that cause you concern. If you have any discussion with school personnel regarding this issue, keep detailed records for future reference.
- Write a letter/ send an email to the school board requesting that *all* children's rights are respected, and encourage other parents to do the same.
- Most states require that school boards allow members of the community to voice their concerns. Find out when these opportunities are available for you, and speak at your local school board meeting.

- If school board members vote to support a policy allowing students of the opposite sex to access locker rooms and bathrooms, you have the power to hold these members accountable. Find out when they are up for election and vote against them — and vote for candidates who share your values.

*Parent voices are powerful, so join together in talking with the school principal, speaking out at school board meetings, and ensuring your child's rights are recognized.*



- Talk to other parents and find out if other parents share the same concern that you do. Usually, you'll find you're not alone and your child is not the only one who feels uncomfortable in situations where schools elevate gender identity over biology. Parent voices are powerful, so join together in talking with the school principal, speaking out at school board meetings, and ensuring your child's rights are recognized.
- Write letters to your state representative and share your concerns with them. Ask them to support or sponsor legislation that will protect *all* children in schools and not just a minority of students.

## Notes

- 1 Charlie Kirk (@charliekirk11), Nov. 21, 2019.
- 2 Alexis Lightcap, *My high school's transgender bathroom policies violate the privacy of the rest of us*, USA TODAY, (Nov. 29, 2018), available at [https://www.usatoday.com/story/opinion/voices/2018/11/29/transgender-bathroom-debate-privacy-school-lawsuit-column/2123946002/?fbclid=IwAR1kIV8srDx8HYvrClyYZwMkK-PJjYKTCFTaQqC1\\_mML04ay64colug7Gc4](https://www.usatoday.com/story/opinion/voices/2018/11/29/transgender-bathroom-debate-privacy-school-lawsuit-column/2123946002/?fbclid=IwAR1kIV8srDx8HYvrClyYZwMkK-PJjYKTCFTaQqC1_mML04ay64colug7Gc4).
- 3 Samuel Smith, *Most Americans Say Transgender Bathroom Policy Should Be Based on Birth Gender: Poll* (June 26, 2019), available at <https://www.christianpost.com/news/most-americans-say-transgender-bathroom-policy-should-be-based-on-birth-gender-poll.html>.
- 4 Valerie Strauss, *CDC: Nearly 2 percent of High School Students Identify as Transgender—and More Than One-third of them Attempt Suicide* (Jan. 24, 2019), available at <https://www.washingtonpost.com/education/2019/01/24/cdc-nearly-percent-high-school-students-identify-transgender-more-than-one-third-them-attempt-suicide/>.
- 5 NSOPW, *Questions & Answers About Sexual Assault and Sexual Offending. Question: Who are the People Who Sexually Abuse?*, DEP'T OF JUSTICE NATIONAL SEX OFFENDER PUBLIC WEBSITE, available at <https://www.nsopw.gov/en/SafetyAndEducation/QuestionsAndAnswers#QuestionsAndAnswers>.
- 6 CDC, *Violence Prevention: Prevention Strategies*, available at <https://www.cdc.gov/violenceprevention/sexualviolence/prevention.html>.
- 7 Stephen Sawchuk, *More Schools Are Reporting Serious Violence and Hiring Police* (July 25, 2019), available at <https://www.edweek.org/ew/articles/2019/07/25/more-schools-are-reporting-serious-violence-and.html>.
- 8 California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Jersey, Nevada, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, D.C. are states that provide protections based on gender-identity.
- 9 Relevant Language of Title IX declares: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. . . ." 20 U.S.C.S. § 1681.

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Protecting **YOUR** Child

# ON SPORTS TEAMS



*“The issue of males competing in female sports is a serious threat to women. We need to protect the rights, privacy, and safety of the future generations of females. If we continue to allow males to compete as females, female sports will cease to exist. We applaud Family Policy Alliance’s and Focus on the Family’s efforts to Save Women’s Sports.”*

**BETH STELZER, FOUNDER, SAVE WOMEN’S SPORTS**



# What's HAPPENING at School

## Why Should I Be Concerned?

Boys playing on girls sports teams is fundamentally unfair for several reasons.

First, when a boy competes on a girls sports team, he inherently changes the nature of the competition and steals athletic opportunities reserved explicitly for girls. Boys who have already gone through puberty have a biological advantage over girls, regardless of whether the boy is currently taking female hormones and medication to block testosterone. Boys are bigger, with more muscle mass and muscle strength. They have larger bones and greater cardiovascular capacity. Once a boy has gone through puberty, testosterone blockers and female hormones don't change this. These advantages make it next to impossible for even an *elite* female athlete to beat even an *average* boy athlete.

And when the boy wins, as he generally will, he is stealing a podium spot, athletic opportunities, scholarship money, recruitment opportunities, and all the benefits of playing on a team, from a girl. The reason why the boy is *stealing* the girl's spot is because he already has an equal opportunity to play fairly on a *boys* team, where he is entitled to a fair playing field and equal rewards. By instead choosing to play on a girls team, he significantly increases his odds of winning purely due to biological advantages.

The issue of *girls* playing on boys sports teams has not become nearly as explosive as the opposite situation for a few reasons. **First**, there are not many cases where girls choose to play on boys sports teams, so in terms of numbers, the problem doesn't come up as often. **Second**, if a girl *does* play on a boys sports team, she is typically not dominating her teammates or competitors, and her male teammates are still, in most instances, able to beat her in a competitive sport.

*Girls and women's sports should be reserved for females. Boys and men's sports should be reserved for males.*



However, the issue of girls who identify as boys and are taking testosterone while competing against fellow females is a growing problem.<sup>1</sup> Just as when boys are permitted to compete on girls teams and create unfair playing fields for girls, girls who are taking testosterone as part of a gender transition regimen gain an unfair competitive advantage over their fellow female athletes.

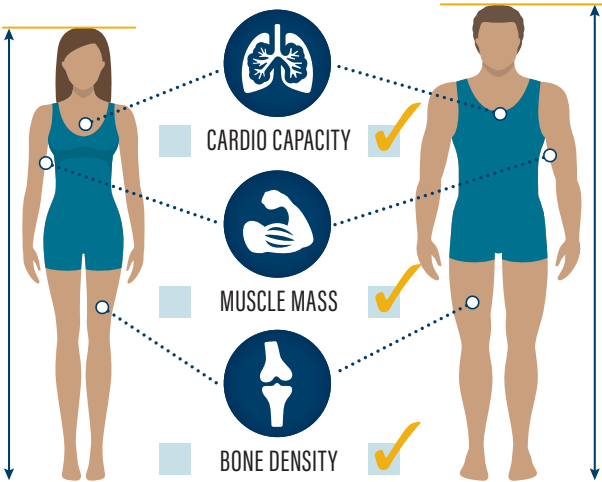


# Get INFORMED

## Know the Facts

- There is a substantial difference in the athletic performance of biological males and biological females, which for reasons of fundamental fairness, is why many school and professional athletic teams are segregated by sex.<sup>2</sup>

### Physiology of Men vs. Women



- Testosterone is not the only thing that gives boys an advantage. *Even* if a boy is taking drugs to lower his testosterone levels (e.g., cross-sex hormones), he still has a performance advantage over girls because he naturally has longer and stronger bones (giving him a height advantage), greater bone density (making him less likely than girls to get injured in some respects) increased muscle mass, and greater cardiovascular capacity than girls.

- Allowing boys to play on girls sports teams denies girls the opportunity to compete in events that are exclusively female and puts them at a competitive disadvantage.
- When biological boys play on girls sports teams, they are highly likely to win—stealing girls team spots, scholarship opportunities, recruitment opportunities, championship spots, and more.

- When schools allow boys (who say they’re girls) to play on girls sports teams, it’s often because they have a policy prioritizing gender-identity over biological sex. This means the school might claim it would be discriminatory, illegal, or bullying to deny the transgender student the opportunity to play on girls sports teams. Voicing your concerns to the school, while a good thing, might not move the needle much. Consider taking more proactive action by seeing the How to Protect My Child section.



*“I am really concerned about fairness in sports and that my granddaughter may have to compete against someone that has a biological advantage over her.”*

— LAURA, NEW JERSEY —

- Title IX is a federal civil rights law enacted with the specific purpose of protecting *girls* from discrimination in education. And while boys have benefited from this law, the law radically changed the landscape of *girls* sports. Before Title IX, girls sports were very much an after-thought – underfunded with few competitive opportunities for girls in school and almost no college scholarship or recruitment dollars being distributed to girls or female teams. Policies that allow boys to play on girls sports teams are a federal Title IX issue.

## Know the Law

### Relevant Federal Law:

#### STATUTES

**Title IX (Title Nine):**<sup>3</sup> *Schools that reference “federal law” might be thinking of this law.* Title IX was part of a suite of civil rights laws passed in 1972 to protect women and girls by ensuring they have equal access to educational and athletic opportunities with boys. It’s good to mention Title IX when you communicate with school officials (e.g., if you testify at school board meetings or write letters to the principal) and remind the school Title IX (federal law) specifically *permits* schools to allow competitive and contact sports to be segregated based on sex. It is a deep twisting of the law for political activists to claim Title IX allows boys to steal athletic opportunities from girls.

#### FEDERAL RULES AND REGULATIONS

**2020 Department of Education Impending Enforcement Letter:** This is a strong citation to use as you advocate for your child to play on an all-girls or all-boys sports team. The Federal Department of Education issued a letter concluding that biological boys have inherent physical advantages over girls. They found that when boys are allowed to compete on girls sports teams (through the school’s, school district’s or interscholastic league’s

transgender policies) girls experienced a loss in benefits and opportunities such as “advancing to the finals in events, higher level competitions, awards, medals, recognition, and the possibility of greater visibility to colleges . . . .”<sup>4</sup>

**45 CFR § 86.41 – The Department of Health and Human Services:** This is a federal regulation supporting Title IX. It prohibits discrimination on the basis of sex but specifies that educational institutions may have separate teams for members of each sex if selection is based upon competitive skill or if teams are competing in a contact sport. This is important to know when talking with school officials because this demonstrates that federal law and regulation have *long* recognized the fundamental differences between boys and girls in sports.

**34 CFR § 106.41(a) – The Department of Education:** This federal regulation explicitly prohibits discrimination on the basis of sex. But if the sport is a competitive or contact



*When biological boys play on girls sports teams, they are highly likely to win – stealing scholarship opportunities.*



sport, this law permits sex-segregated teams in sports. This is a good regulation to use in testimony to prove that even the federal Department of Education's own regulations declare it is *not* discrimination to prohibit boys from playing on sports teams with girls.

## SUPREME COURT DECISIONS

### **O'Connor v. Bd. Of Ed., 449 U.S. 1301, 1307 (1980):**

If certain sports teams do not have "gender-based classification in competitive contact sports, there would be a substantial risk that boys would dominate the girls' program and deny them an equal opportunity to compete in interscholastic events." This case might be useful to quote in more formal advocacy efforts like letters and testifying.

**Bostock v. Clayton, 590 U.S. \_\_\_(2020):** *This Supreme Court Decision might not come up. But if school officials or school board members do bring it up, you can be prepared by reminding them this decision does **not** apply to schools.*

The *Bostock* decision stated that it was "discrimination on the basis of sex" for *employers* to fire gay or transgender

employees on the basis of gender identity or sexual orientation. Some school officials might use these decisions to justify their policies that allow students into the private spaces of the opposite sex based on gender-identity. So, it's good to know this Supreme Court decision *only* applies to *employers* and does not apply to schools and their activities, or locker room and bathroom policies!

## Relevant State Law:

**Save Girls' Sports Laws:** Idaho was the first state in the nation to pass a law specifically declaring biological boys cannot play on any sports teams that were designated for biological girls in 2020. As of 2023, 22 states now have a similar law in place protecting fairness in girls' sports.

**State Anti-discrimination Laws:** By contrast, many states have "anti-discrimination laws" that provide special privileges to transgender-identifying individuals, including allowing transgender-identifying boys to play on girls' sports teams. The fight for girls sports is not over as many cases involving female athletes work their way through the courts.



## Know Your Child's Rights

- For reasons of fundamental fairness and safety, girls have the right to play on a sex-segregated team that does not include biological boys. Courts have recognized there are fundamental physical differences between boys and girls that give boys a biological advantage in most sports. This is why we have sex-segregated teams in public schools and professional sports.
- The Supreme Court has stated when it comes to competitive contact sports, boys and girls have the *right* to compete on sex-segregated teams.

*"I played basketball and soccer in high school. It was a fight for women to have their own teams. My mom did not have the options that I had. It was a fight to get girls sports. Please do not let them go away. #savegirlssports"<sup>5</sup>*

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JENIFER PEPLING

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- Your child has the right to be safe and protected in school, including when playing sports. If a girl is playing a contact sport with a biological boy on a *girls* team, the girls are at a higher risk of being injured.



## **BE YOUR CHILD'S CHAMPION**

### **Ways You Can Protect & Advocate for Your Child**

- If your daughter is directly affected by these policies, do not be afraid to share your concerns with your daughter's coach and/or principal. Connect with other parents and encourage them to share their concerns with the coach as well. Record your interactions and what is said. This may come in handy if you feel the need to file an official complaint.
- Talk to individual school board members when possible. Have face-to-face conversations at lunch, coffee, or somewhere outside the board room setting. Find out the board member's position on the issue and the reasons for it. This will help you specifically address the intent and concern of the board member.
- Testify at your local school board meeting. See if other parents share your concerns and ask that they also be willing to testify at the school board meeting. It helps to put your testimony in writing. Use some of our "Know Your Facts" and "Relevant Law" cases to help you state your argument clearly. You can read your testimony at your school board meeting, give a verbal testimony, or both!
- This may seem like a huge step, but if your school is refusing to budge and your child has been or is being harmed by your school's transgender sports participation policy, you can file a complaint with the Federal Department of Education.
- If, for example, your daughter lost a winning spot because a boy won, or your daughter was next in line for a spot on the team but a boy has been selected for the team, you can file a complaint with the Federal Department of Education. This federal government agency enforces federal law in schools that receive federal money (which is virtually every public school in America).
- Write to your state representative and senator and ask them to support or sponsor their own Save Girls' Sports law if one does not exist in your state.






Protecting **YOUR** Child

# DURING LUNCHTIME, FREE-TIME, OR IN STUDENT-RUN CLUBS



*“When 5-year-old Gabriella Perez innocently bowed her head over her lunch at school, she was stopped by a school employee, and told ‘it was wrong to pray.’”<sup>1</sup>*

LIBERTY INSTITUTE



## What's **HAPPENING** at School


### Why Should I Be Concerned?

Schools, teachers, and even parents have prevented students from saying prayer before lunch, before and after school, before and after sports events, or during recess or other non-instructional time.

Some schools have tried to prohibit students from distributing religious pamphlets or bringing their Bibles

to school. Schools have prohibited student religious clubs from advertising on school bulletin boards. Student clothes and jewelry with symbols of faith are being banned from school property.

All these families of faith and conservative principles, with children in public schools, are facing ever-increasing censorship of their beliefs.



*Families of faith and conservative principles, with children in public schools, are facing ever-increasing censorship of their beliefs.*





## Get INFORMED

### Know the Facts

The U.S. Supreme Court issued a ruling in a school case involving free speech, where school principals had told students they could not wear black armbands to school to protest the Vietnam War. The Court famously said: *“First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. This has been the unmistakable holding of this Court for almost 50 years.”*<sup>2</sup>

Religious freedom in schools is usually exercised through speech, like-minded individuals assembling together, and other forms of expression such as clothing or jewelry. That liberty, however, must be balanced with the special setting and purpose of schools and the need to prevent disruptions that would impede the educational process.

The religious freedom portion of the First Amendment to the U.S. Constitution has two parts. The first part, **“Congress shall make no law respecting the establishment of religion...”** is referred to as the “Establishment Clause,” and it means neither the states nor the federal government can create an “official” religion or favor one religion or denomination over another.

The second part, **“...or prohibiting the free exercise thereof”** is called the “Free Exercise” clause, and it applies to organizations and individuals in all areas of American culture. It’s the flip side of the Establishment Clause.

In summary, the Establishment Clause prohibits the government from creating or favoring a religion, while the Free Exercise Clause forbids the government from preventing or outlawing how we practice our faith, within reason.

Finally, it should be noted there are many good, secular reasons for incorporating religious elements into public school curricula, such as studying the effect of religion on

#### **School administrators who get into trouble when handling religious freedom-related issues in schools seem to fall into one of three categories:**

1. They are **openly hostile** to religion and any religious expression in schools.
2. They are **neutral**. However, they’re ill-informed about the religious rights of students and teachers. They then inadvertently, or because of legal threats from outside secular groups, violate the rights of students and teachers in the name of the Establishment Clause.
3. They **enthusiastically support** religious expressions – perhaps too enthusiastically. They can cross the line into advocating, endorsing, or participating in a particular religion or religious activity.

the founding of America and performing religious music in well-rounded music programs. The Supreme Court has held that having a secular basis for including a religious element

in a government activity, whether it's in public education or a town Christmas display, makes the inclusion perfectly fine and not a violation of the Establishment Clause.

## Know the Law

- **Students maintain their Constitutional rights of religious freedom, freedom of speech, and freedom of peaceful assembly.** These rights are still in operation at school, though there may be reasonable school limits.
- **Schools cannot prohibit or impede your child's free speech or their right to freely exercise their faith** *unless* your child's speech or faith practices at school cause a "material and substantial disruption" to the school's ability to educate students.<sup>3</sup> (The disruption cannot be hypothetical or potential. Your child must *actually* be causing a disruption to education.)<sup>4</sup>
- **Schools are considered "limited public forums."** This means your child can't say *anything* they want, which is why schools can ban cursing, verbal bullying, etc. But your child still retains their right to "private religious speech." This means your school cannot prohibit your child from engaging in religious "speech," which can be verbal, written, or expressive. Examples would be your child speaking about their faith, writing about their faith, or expressing their faith through a school project, student club, or religious clothing or jewelry. Schools cannot restrict religious speech just because they may find it offensive or controversial.<sup>5</sup> In addition, all school rules must apply equally to students. (For example, a school couldn't prohibit just *religious* jewelry, but it could prohibit *all* jewelry.)
- The Supreme Court has ruled **schools must allow free speech "in the cafeteria, or on the playing field, or on the campus during authorized hours."**<sup>6</sup>
- **The school *must* be neutral towards religion.** The school cannot display a bias for or against a religion. Bias *for* religion



*Schools cannot restrict religious speech just because they may find it offensive or controversial.*

could be if a public school allowed a Christian prayer club to meet while prohibiting a Muslim prayer club from meeting. An example of bias *against* religion would be if a school allows students to form non-curricular clubs, like chess clubs, but prohibits your child from forming a Bible-reading club simply because it is religious in nature or because they find it offensive. Another example is if the school allows most student clubs to advertise on a school bulletin board but does not allow your child's religious club to advertise on the bulletin board. These are examples of the school showing hostility towards religion, which is prohibited by federal law.<sup>7</sup>

- **School-sponsored prayer is unconstitutional.** A school cannot mandate prayer or even write and distribute a prayer for students to recite, as the Supreme Court ruled in one case. This violates the Establishment Clause, which prohibits states from endorsing, favoring, or establishing a faith.<sup>8</sup>
- **Public schools cannot require students to engage in religious activities.**
- **Your school must ensure the right of students to engage in constitutionally protected prayer** or they risk losing their state funding.
- If your child's school grants **excusals** from class for nonreligious needs the school must also grant excusal from class for religious reasons.

## Know Your Child's Rights



### What students can do in school:

- **Your child has the right to engage in free speech at school**, provided their speech is not disruptive or against school rules. There are no rules that prevent your child from talking about their faith, beliefs, or thoughts on issues in the classroom, to friends, in the lunchroom, on sports teams, and more.
- In general, **students can voluntarily express their personal and religious beliefs** to their classmates through verbal or written expressions, as long as they follow school policy and do not engage in these activities during classroom or instruction time. Schools can enforce reasonable limits on times and locations for where students are allowed to distribute materials, but these regulations must be applied equally to all students.
- **Your child has the right to pray at school.** Your child can pray during lunch, before or after school, during other free time, and before or after a sporting event, provided they're not doing so in a disruptive manner. Student prayers are considered private, personal speech. They are allowed as long as they are student-led (rather than being teacher-led or school-endorsed), aren't disrupting academic instruction, and are voluntary — meaning no student feels coerced to participate.
- **Your child can start a political or religious club** if the school allows other non-curricular groups. If other clubs are allowed to advertise at school (e.g., distribute flyers, hang banners, or use a school's bulletin board), your child's club should have this right as well.
- **Your child can bring books to school that are religious, political, or even offer a different viewpoint from what's being taught in the classroom** just as students can bring other favorite books they are reading

to school. A student can read these during free time and even use these books in a class assignment as long as he or she does so in a way that is relevant to the subject the teacher has assigned and meets the requirements of the assignment.

- **Your child has the right to undertake religious activities of their own accord.** Students and religious clubs have equal access rights to participate in student-led events. Courts have said that school officials must remain neutral in how they treat students' activities and free-speech expressions.
- Your child has the right to be **free from bullying and harassment** for any reason.



### What students cannot do:

- **Your child cannot disrupt instruction time.** While students have free-speech rights, they cannot abuse those rights in a way that prevents the school from accomplishing its core mission of providing academic instruction. For example, a student cannot interrupt a teacher's lesson plan to distribute information if that would be inappropriate.
- **Your child does not have the right to bully or harass other students.** Students do not have the right to force their classmates to listen to them. They *do* have the right, on the other hand, to invite other students to voluntarily participate in activities and student-led discussions.
- **Your child cannot ignore school policies.** It is a good idea to check for applicable school policies and notify school officials if your child plans to distribute materials, start a club, etc. While schools do have the ability to enforce *reasonable* regulations, they can't enforce them in a biased way.



## Ways You Can Protect & Advocate for Your Child

Free speech and the free exercise of faith are rights that belong to your child. They are not rights you can exercise for them. Though, as a parent, you still have the right to ensure that your child's rights are being respected while on school grounds. If your child's rights are not being protected, there are ways you can protect and advocate for your child!

- If your child's free speech rights and free exercise of religion rights are being trampled, be sure to talk to your child's teacher or principal to seek a quick and amicable resolution. Let them know the law (as they may not be aware), and inform them of what you'd like to see happen. *Be respectful and clear.* It's also always a good idea to put your concerns and solutions in writing. Ask for the school to also place in writing what actions they plan to take.
- If your child is being required or coerced to engage in religious activities by school staff, share your concerns with your child's teacher and/or principal. Public schools are not allowed to provide religious instruction, though they may teach *about* religion. Let them know the law and what you'd like to see happen.



- If your child's school has denied them an excusal from class for a religious activity or observance, this is a violation of your child's constitutional rights. You may talk with your school principal to request an excusal. Your child's school must take immediate steps to remedy religious discrimination.



**If school staff or the principal refuses to take action to respect the constitutional rights of your child, it may be time to do one or more of the following.**

1. You can file a complaint with your state department of education.
2. You may also reach out to your state's office of civil rights to find out the procedure for filing a complaint for constitutional rights violations.
3. You may seek a civil rights attorney who might need to do as little as submit a letter of demand to the school to comply with the law. (Seeking legal counsel often results in the quickest action if a school/school board is unresponsive to your written concerns and requests. See our Resources Appendix for legal aid groups.)
4. You may also be able to file a complaint with the federal Office of Civil Rights with the U.S. Department of Justice.
5. You may also file a complaint with the Office of Civil Rights of the U.S. Department of Education if your child is being treated negatively because they belong to a certain faith.

## Notes

- 1 LIBERTY INSTITUTE, *In the School*, available at <https://www.libertyinstitute.org/pages/issues/in-the-school/gabriella-perez>.
- 2 *Tinker v. Des Moines Indep. Comty. Sch. Dist.*, 393 U.S. 503 (1969).
- 3 *Tinker*, 393 U.S. at 509.
- 4 *Tinker*, 393 U.S. at 508.
- 5 *Morse v. Frederick*, 551 U.S. 393, 409 (2007).
- 6 *Tinker*, 393 U.S. 512.
- 7 *Bd of Educ. of Westside Cmty, Schools v. Mergens*, 496 U.S. 226, 249-50 (1990).
- 8 *Engel v. Vitale*, 370 U.S. 421 (1962).

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Protecting **YOUR** Child

# ON SCHOOL INTERNET, Wi-Fi, and Electronic Devices



*“My concern with my son, is the school issued laptop checked out to my 13-year-old 8th grade student at Horizon Middle School has no protections on the computer to prevent access to restricted content.*

*(porn, violence, other content for adults only).”<sup>1</sup>*

RENEE, WASHINGTON



# What's **HAPPENING** at School

## Why Should I Be Concerned?

We all know the potential harms an internet-connected device can present in the hands of young children and teens. This section is to help guide you in protecting your child from stumbling across violence, pornography, online bullying, profane sites, games, and other materials that are age-inappropriate and harmful for children.<sup>2</sup>

In one lawsuit, from Douglas County, South Dakota, a school employee sued a local school district because they weren't doing enough to protect young children from pornography. The lawsuit claims the school is in violation of a federal law that requires schools to actively protect children from explicit content online. The employee's suit further alleged that children as young as second grade were "able to access pornographic and inappropriate digital content on their classroom iPads" and an "unnumbered body of minors were accessing and were able to access pornographic and obscene materials daily."<sup>3</sup>

The school superintendent himself stated it's hard for schools to stay one step ahead of students who know how to work around safeguards, stay on top of updates, and find loopholes in their systems.<sup>4</sup>

In addition to the above concerns, the rampant increase in online streaming classrooms has caused some police departments to see an alarming uptick in students streaming pornography through their virtual classrooms (including on Zoom and Google Classroom). In March through May 2020, the FBI received more than 240 reports of child pornography streamed in Zoom meetings and classes, and that number is increasing rapidly as virtual classroom use has exploded due to the school shut-downs because of COVID-19.

It is vital that you, as a parent, are *crystal clear* with your child

that sharing or streaming pornography online with other students is a crime. This is a crime *even if* the photo was sent by one of their classmates first or a pornographic picture was held up to a webcam. If the obscene photo/video involves an underage minor, a student is almost sure to be in *even more* trouble under the law. It also doesn't matter if the content was of *themselves* or someone they were *dating*. Sharing inappropriate images of underage minors or pornography through a virtual classroom is not only a state crime, but a federal crime.

In August 2020, Henry County Police Department of Georgia put an alert on social media they have seen a spike in juvenile courts being filled with young people "who think they are pulling a prank" when in fact, "they're breaking the law." The department pleaded with parents to educate and warn their children. They posted on Facebook: "Students: If you stream pornography, nudity, or any sexual acts in an online class, we will find you and charge you with life-altering charges."<sup>5</sup> One officer stated many children think their actions are harmless. But children need to know this kind of behavior can ruin their lives. For these reasons and more, it is important to have internet safety conversations with your child and take steps to protect their safety!



## Get INFORMED

### Know the Facts

- 98% of public schools are connected to high-speed internet.<sup>6</sup> Many of these schools will have a school internet use and device policy manual that explains acceptable and prohibited uses for school internet and devices. These policies often make internet and device use a *privilege* for students. They are broad policies, covering inappropriate content, harassment, unauthorized use, tampering and hacking, and more.
- The school manual may also offer guidance to parents on how to engage filters, block certain websites, monitor websites visited, etc., and it may even provide suggestions for parental control apps and filters.
- Know exactly what online school devices your child has access to or have been issued to your child. Find out what the device/app/program is supposed to be used for, how often your child has access, if access is supervised, etc. Also, find out about how much time school assignments *should* be taking so you can better gauge when your child is spending too much time on their device.
- If your child has a school device, check to see if programs or apps can be downloaded onto the device. If so, make sure you are clear how the school monitors or safeguards their devices from inappropriate content.
- Your school most likely has filtering technology enabled on their school internet that protects internet-connected



devices at school. Be aware: Children are adept at getting around filters. Also, filters on school devices may not work when the child brings the device home *unless* the school has also downloaded blocking software on the device.

- Find out what your school's policy is for *personal* internet-connected devices like cell phones, smartwatches, and others. Keep in mind teachers might have students download class apps on their *own* smartphones, laptops, and tablets. Find out what these programs are, what they do, and, most of all, how your school ensures your child's safety *and* privacy on their device.
- One recent study discusses the alarming dependency of students on tablets and the creative abilities of youth to get around parent and school limits. It also found some children had not discussed rules or limitations with their

parents for the usage of internet-connected devices. The findings of this study suggest “that covert and unregulated use of tablet technology may have a detrimental impact upon children, particularly in relation to reduced social interaction, fatigue, and increased family tensions due to excessive usage.”<sup>7</sup> These conclusions likely hold true for other electronic devices, particularly cell phones and laptops.

- Don’t forget about internet bullying and harassment on social media and other popular sites. The Department of Justice has found, through extensive research, the peak risk period for internet harassment is between the ages of 14 and 17, with girls more likely to be victims of internet harassment and bullying than boys.<sup>8</sup>

- Virtually all schools have anti-bullying policies that address cyber-bullying (internet bullying). Be aware of what the policy is and know internet bullying can be just as devastating to a child as physical bullying.
- Virtual classrooms can be hacked or ‘bombed’ by malicious users gaining entry into your child’s lesson, then posting or streaming harassing or explicit content. Make sure the school has safeguards against this type of activity, such as requiring passwords to enter a virtual classroom, not hosting public virtual classroom meetings, engaging “waiting room” settings to monitor classroom entrants, locking the meeting after it starts, and more.<sup>9</sup>

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## **Know the Law**

### **Relevant Federal Law/Regulation:**

**Children’s Internet Protection Act (CIPA):**<sup>10</sup> This law requires schools (and libraries) that receive federal funding to have a policy regarding internet safety for minors and implement filtering software. This means virtually all public schools are required to have an internet policy and filtering in place. If your school does not have an official policy or internet filtering software, urge your school principal to make it a priority!

**Children’s Online Privacy Protection Act (COPPA):**<sup>11</sup> This is a federal regulation that prohibits website operators and app services from collecting personal information from children under 13. For example, website operators and app services that target children cannot track their personal data like GPS location, name, or birthdate without *verifiable* parental consent. Note: this law only applies to website operators and service developers, *not* internet service providers like Comcast or Google.



*Be vigilant and open and honest with your child about expectations and boundaries while online and encourage them to be open with you if they come across explicit or questionable content.*

### **State Laws:**

**Blocking Software:** Many states have laws requiring public schools to install blocking software that will protect children online from harmful content like obscenity (which includes already illegal content like child pornography and sexual abuse), pornography, nudity, violence, weapons advertisements, and more.

## BE YOUR CHILD'S CHAMPION

### Ways You Can Protect & Advocate for Your Child

- If your school does *not* have a safe internet usage policy, advocate for one! If your school has a parent-teacher organization, you can work with this group to help raise awareness on the importance of an official policy. You can also testify at your local school board meeting to encourage them to adopt an internet usage policy.
- Encourage the school to have students *sign* a paper agreeing to its internet and safety device policy, especially if they are bringing devices home. This helps to ensure the policy is reviewed at least verbally with all students, and students (including your child) have committed to understanding and following the usage policy.
- Some schools allow parents to *opt-out* of receiving a school device or decline to use certain technology. Exercise your options to protect your family as needed. If your school does not provide this as an option, talk to your child's teacher and school principal and ask for accommodations for your child. You can also testify at your local school board meeting and explain why it's important for schools to allow families to have a choice about whether they want their child to bring school devices home.
- If your school does not conduct parent trainings for school internet and device use, encourage them to provide them. Ask the school to also include information on recommending filtering and parental control software parents can download onto their child's personal devices and use at home. Let them know you would like more information on how your child is protected at school and how they can be protected at home while using school devices. For example, you may want to know how the school engages filters, what kind of content the filters block out, if device-use is supervised, and more. The school could go even further and take it as an opportunity to educate families on common social media sites and what the potential harms of those sites can be. For example, some parents might be surprised to learn seemingly harmless sites like Twitter, Instagram, Snapchat, and FansOnly, are rampant with explicit and pornographic content.
- When your child has their school device on campus, the websites are most likely filtered through the school's content filtering system. But when your child brings the device home, this system may not work. If the devices do *not* appear to have a filter, ask if you can download your own filter and website blocking technology. Ensure your home internet has filtering enabled. You can call your internet service provider to find out how. You can also purchase a special router that can minimize the amount of time your child is online and check screen content.
- When dealing with your child's personal devices, you can download filtering technology or parental controls to ensure your child is not using their device during class-time and not accessing websites or apps that your family has decided shouldn't be accessed while at school.
- If your school doesn't ban personal smart devices from the classroom, take action within your family to set expectations for your child's personal device use in schools.
- Talk to your child's teacher about how your child is doing in class with personal device use and other technology.
- If your state does not have a law requiring that schools implement internet filters and blocking software, contact your state legislator and urge them to sponsor legislation that will protect your child in schools!
- Never underestimate the power of talking to your child about family boundaries, expectations, what's not allowed, and what is expected.

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## Notes

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Protecting **YOUR** Child

# IN SCHOOL LIBRARIES and on School Databases



*“Concerned parents raised the alarm in early September that many books incorporated LGBTQ themes in grades as early as kindergarten, including the promotion of Queer Theory concepts, as well as sexually inappropriate and even explicit language in other grades, including frequent descriptions of underage drinking, fondling, masturbation, orgasms, oral sex, sexual intercourse, sexual abuse, statutory rape, incest, and rape.”<sup>1</sup>*

THE GROUP — PARENT AND CHILD LOUDOUN

describing new additions to their school libraries



## What's **HAPPENING** at School

### Why Should I Be Concerned?

It can't be denied that children are significantly shaped by their school experiences, including the lessons they are taught and the material to which they are exposed.

It is important the material our children are exposed to at school is *age-appropriate*. Yet, the bar for age-appropriate content is being set lower and lower by activists who want to push their sexual agenda on our children. This often explains why our children are stumbling upon books in the school library that celebrate sexual promiscuity, experimentation, and all manner of sexual relationships in material that is made available to younger and younger students.<sup>2,3</sup>

Study after study reveals that pornography exposure at a young age can have a detrimental effect on the minds of children.<sup>4</sup> Schools may justify the content and claim these books offer educational value, but that does not change the negative impact such content has on the developing child. Pornography doesn't just mean explicitly sexual illustrations either. It also includes descriptions of sexual behavior. Pornographic content appears on the shelves of school libraries, particularly in LGBT sections. In addition, many states have laws that when it comes to minors, the type of content that can be harmful to them is broader than pornography alone and includes any type of content that parents might find offensive because of its patently sexual nature.<sup>5</sup>

When it comes to school research databases, parents and their children often encounter hard-core pornography. Parents need to know that in almost 90% of pornography videos,

men are verbally and physically aggressive and hostile towards women.<sup>6</sup> Pornography normalizes the abuse of women and creates unrealistic and unhealthy views of sex in children who have viewed it. Studies show pornography teaches boys to objectify women, often in a violent and aggressive manner, and it teaches girls they should accept and like this.<sup>7</sup>

### BE AWARE

- **Pornography creates brain pathways similar to those produced in drug addiction<sup>8</sup> and can be just as addicting and harmful as cocaine.<sup>9</sup>**
- **Pornography use amongst teens can negatively impact their "sexual risk taking, sexual functioning, body image, sexual objectification, and sexual aggression."<sup>10</sup>**
- **Pornography teaches adolescents, particularly boys, their sexual urges can and should be gratified instantly, however and whenever they want, at all costs, whether violently, forcefully, or obscenely and in illegal ways.<sup>11</sup>**
- **Finally, only 12 percent of parents know their teens are accessing pornography.<sup>12</sup>**

**BOTTOM-LINE** Pornography has no place in school libraries or online databases. Parents already must be vigilant about their children's internet use, engaging filters, and blocking websites. The last thing parents should have to be concerned about is their children stumbling upon pornographic content in the school library or research database.

## Know the Facts

- Parents are finding controversial material in school libraries across the country that include materials available to students with excessive profanity, rape, statutory rape, objectionable sexual acts, graphic illustrations, and more.<sup>13</sup>
- Large and popular school databases, like EBSCO and GALE, have been known to have pornographic and other explicit content available to students. EBSCO was even sued for explicit content, and many school districts have removed EBSCO from their schools.<sup>14</sup>



**Note:** EBSCO is also wildly popular in public libraries on child/student accounts.

- Usually, school boards have criteria for selecting books for their collection. Parents should have the right to see the requirements for the school's book collection. With the criteria in hand, you may find it easier to make arguments against the selection of a particularly offensive book.
- A critical part of adding books to a school library is receiving community input. Make sure your voice is heard! Contact your school and/or school board for information

on whether they provide the opportunity to join a book collection review committee or one that reviews potential research databases.

- Children are harmed by being exposed to pornography and other obscene content. Pornography harms children by leading to increased rates of depression, anxiety, acting out and violent behavior, younger ages of sexual activity, sexual promiscuity, increased risk of teen pregnancy, and a distorted view of relationships between men and women.<sup>15</sup>



*Parents were shocked to find appalling, raw, unfiltered pornography on their child's middle school online research account. This discovery led to a lawsuit filed by the Thomas More Society against EBSCO, a major online research database used by many schools. The situation was even worse than parents feared. In addition to pornography, EBSCO was also allowing content on its database to students that contained erotica, BDSM (bondage, discipline, sadism, and masochism), advertisements to sex stores, and other obscene content.<sup>16</sup>*

# Get INFORMED

## Know Your Child's Rights

- Courts have ruled that children in public schools still have First Amendment rights, which include the right to be exposed to the free flow of ideas. This means once a school places a book in the library, this student right is “activated,” making it much more difficult for parents to have books/content *removed* (that aren't blatantly illegal), if students object to the removal of the book or content.<sup>17</sup>
- Federal law gives your child the right to privacy *but* allows parental oversight of educational records. Generally, a child's library circulation record is considered an education record under federal law.<sup>18</sup> Parents have the right to view this record. If the school is refusing to release your child's library circulation record, they could be violating federal law. See Appendix G – Letter to Access Child's Library Record.

## Know Your Rights

- Your school most likely has a policy regarding parents', students', and teachers' rights to challenge controversial content in the school library and on school research databases.
- Parents have the constitutional right to direct the education of their children. A school's primary goal is to educate children, and that is also the overarching goal of the school library. In this sense, parents have the right to object to controversial content and expect action.
- Parents have the right to direct the religious or secular upbringing of their children and object to content in schools that promotes one viewpoint over another. It is the school's *constitutional* duty to educate children



in a *neutral* manner. This means parents have the clear constitutional right to have content removed that imposes a religious, moral, or secular viewpoint.<sup>19</sup>

## Know the Law

### Relevant State Laws:

**Authority of School Boards:** Most school boards have broad authority under state law to select books and materials that will be used in the instruction and supplemental education of their students. This means the school board's process of selecting and removing books from the library is often up to the school board. Most school boards also have policies to challenge the inclusion of a book. For this reason, it is good to focus your advocacy efforts on your school and school board. It would be beneficial if you can offer your input about book selection while the process is ongoing. Email your school board members for information on how to engage. You can also address your school board about content you and other parents find objectionable. If these efforts fail, parents *might* be able to file complaints with their *state* board of education, which oversees public local school boards.

**Obscenity Laws, Exemptions and Materials that are Harmful to Minors:** Every state, *and* the federal government, has an obscenity law that defines obscenity and prohibits exposing minors to obscene materials.<sup>20</sup> Obscene material does *not* have “free speech” protections. (For example, child pornography is illegal because it is considered obscene and therefore can never be considered protected speech.) It is a crime for children to be exposed to obscene, lewd, and profane material, with one exception—the “obscenity exemption,” which we’ll explain below.

In addition, some states also have a law that prohibits “material that is harmful to minors,” *in addition* to their obscenity law. This “material that is harmful to minors” law can be used by parents to argue against harmful library or database content. This law also has one exception—the “obscenity exemption.”

**The Obscenity Exemption—A Major Loophole:** There is one enormous loophole to laws regarding obscenity and material that is harmful to minors: If the material that is being questioned can be viewed to have *scientific, educational, governmental value, or other justification*, it is no longer illegal. This enormous loophole is called the “obscenity exemption.” Most school libraries can claim an “obscenity exemption” to material that is appalling to parents by arguing the content has “educational” or “scientific” value. This legal exemption is how parents keep coming across obscene and pornographic content in their child’s sex education curriculums, school (and public) libraries, and other classes. It is important to note that it is the *community* that has the right to decide what type of content is obscene. If a community of parents comes together and objects to controversial content in their school libraries, they may have a much better chance of getting that content removed.

**Note:** If you or your child comes across obscene material (more likely to be found on a research database), report this to school officials and your state Board of Education, immediately.

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## BE YOUR CHILD’S CHAMPION

### Ways You Can Protect & Advocate for Your Child

- Consider donating books with moral and ethical values or socially conservative world views to your school library. (Keep in mind books that promote a particular religion over another may not be allowed in school libraries in your state.)
- Let the library staff know about explicit content that has been found in the library or on the school’s research database. School staff don’t read most books that come in but rely upon recommendations from sometimes radical organizations, outside reviews, and community

input when deciding what content to purchase. If the objectionable content remains, speak out against it to your school principal and contact your school board members.

- **Talk with other parents** and see if they know about the explicit content you or your child have discovered. Encourage these parents to also report their concerns to the school and join you in speaking out at an upcoming school board meeting. Often schools rely upon the parental community to let them know if content is unacceptable.
- **Talk with your child's teachers** about objectionable content, and ask if they would also be willing to speak out against it to school officials and at your local school board meeting. Teachers also have the right to object to content in the school.
- **Speak up at school board meetings** about controversial content, and encourage other parents to do the same. "Obscenity" and "material that is harmful to minors" is often defined by what the community believes is harmful. Having *community* voices sharing your concerns at public meetings is very powerful.
- The majority of school libraries have policies to challenge books. **Look into these policies** and follow the guidance if you and other parents would like to challenge a book or other resource.

**Note:** The American Library Association (a liberal organization that sets standards for public libraries) will often step in to help public schools in their book challenge procedures. Often this organization will want to keep controversial content and label all attempts to remove content as "censorship."

- If the school or school board refuses to remove objectionable books, **request the school label books with a "graphic content" label** as a warning to students and parents about what's inside. In addition, you may ask that the controversial book is only accessible to older students. Try to get other parents, teachers, or your school's parent-teacher organization to support you.

- Ask the school to release the log-in information to your child's library account to **monitor what they are checking out**. (It can also be good to ask your child for this information, and use that as an opportunity to create open dialogue on what type of content you'd like your child to be warned about.) You may also be able to obtain this list directly from the school.
- If your school has a parent-teacher organization, get involved! **Join it!** Help your group educate parents and teachers on these facts and work together to remove explicit content from your school.



- **Sit with your child as they use the school research database** to become familiar with it and see how it works. Have conversations with your child about any content they may have come across that alarmed them. Walk them through what actions they can and could take, and let them know you are open to discuss any questions they may have.
- **Contact your state senator and representative**, and share with them copies of obscene, lewd, or profane materials that your child has come across, whether in the school library or database systems. Urge them to get rid of your state's obscenity exemption, and explain why it's important to you to keep this type of content *out* of schools
- **Use social media** to alert your community about what type of content is being allowed in your child's school library.

## Notes

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- 9 Todd Love, *supra* note 8.
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- 18 In Alaska, Alabama, Colorado, Florida, Georgia, Louisiana, Ohio, New Mexico, South Dakota, Utah, Virginia, West Virginia, Wisconsin, and Wyoming parents have the right to access their child’s public library records in state statute.
- 19 In three early cases, *Farrington v. Tokushige*, 273 U.S. 284 (1927), *Pierce v. Society of Sisters*, 268 U.S. 510 (1925), and *Meyer v. Nebraska*, 262 U.S. 390 (1923), the Court ruled that under the 14th Amendment Due Process Clause of the Constitution parents have the right to direct the education and religious or secular upbringing of their children.
- 20 18 U.S.C. § 1470; 18 U.S.C. §§ 1460-66; 66A; See also, CODE OF ALA. § 13A-12-200.3; Alaska Stat. § 11.61.128; ARIZ. REV. STAT. § 13-3502; ARK. CODE ANN. §§ 5-68-302, 5-68-303; CAL. PENAL CODE § 313.1; COLO. REV. STAT. § 18-7-102; CONN. GEN. STAT. § 53a-194; DEL. CODE ANN. TIT. 11 § 1361; D.C. CODE § 22-2201 (2013); FLA. STAT. § 847.011 (2008); GA. CODE ANN. § 16-12-80; HAWAII REV. STAT. §§ 712-1211, 712-1214; IDAHO CODE §§ 18-4103, 18-4105; 720 ILL. COMP. STAT. 5/11-20 (2011); IND. CODE § 35-49-2-1; § 35-49-3-1; § 35-49-3-2 (2014); IOWA CODE § 728.1 (2012); KAN. STAT. ANN. § 21-6401; KY. REV. STAT. ANN. § 531.060; LA. STAT. ANN. § 14:106; MD CODE ANN., CRIM. LAW § 11-202; MASS. GEN. LAWS ANN. Ch. 272, § 29; MICH. COMP. LAWS ANN. § 752.365; MINN. STAT. § 617.241 (2014); MISS. CODE ANN. § 97-29-101; MO. ANN. STAT. § 573.020; MONT. CODE ANN. § 45-8-201; NEB. REV. STAT. § 28-813; NEV. REV. STAT. § 201.249; N.H. REV. STAT. ANN. § 650:2; N.J. STAT. ANN. 2C:34-2; N.M. STAT. ANN. § 30-38-1; N.Y. PENAL LAW §§ 235.05, 235.07; N.C. GEN. STAT. § 14-190.1; N.D. CENT. CODE § 12.1-27.1-01; OHIO REV. CODE ANN. § 2907.32; OKLA. STAT. TIT. 21, § 1040.8; OR. REV. STAT. § 167.090; 18 PA. CONS. STAT. § 5903 (2012); 1956 R.I. GEN. LAWS § 11-31-1; S.C. CODE ANN. §16-15-305; S.D. CODIFIED LAWS § 22-24-58; TENN. CODE ANN. § 39-17-902 (2014); TEX. PENAL CODE ANN. § 43.22; UTAH CODE ANN. §§ 76-10-1203, 76-10-1204; VT. STAT. ANN. TIT. 13 § 2803; VA. CODE ANN. § 18.2-374; WASH. REV. CODE § 9.68.140; w. va. code § 61-8A-2; WIS. STAT. § 944.21; WYO. STAT. ANN. § 6-4-302.

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# APPENDICES

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## APPENDIX A Additional Resources

### Cultural and Political Information and Engagement

- *Family Policy Alliance*
- *Focus on the Family's The Daily Citizen*
- *State Family Policy Councils* — Offering education, resources, and engagement on social and political issues in your state
- *The Heritage Foundation*
- *Concerned Women for America*
- *American Principles Project*
- *Family Research Council*
- *Five Practical Tips for Contacting Your Legislator*
- *How to Testify at a Legislative Hearing*

### Education Resources

- *Family Policy Alliance: Education* – A parent & child-driven vision vs. a political-driven vision for education
- *Focus on the Family: Education Resources*
- *The Heritage Foundation* – Education freedom for families
- *EdChoice: Parent & Education Resources* – What is school choice, how does it work, and what education options does my state have?
- *Gateways to Better Education* – Equipping Christians in Public Schools/National Free to Speak Campaign

#### For helping children develop a Conservative, Faith-Based Worldview:

- *Colson Center for Christian Worldview*
- *Hillsdale College Online Courses*
- *Prager University*
- *Summit Ministries*

### Counseling, Health and Medical Resources

Including position statements and research on education and social issues, affirming the need for parental involvement in children's healthcare

- *American College of Pediatricians*
- *Christian Medical and Dental Associations*
- *Family Policy Alliance: Parental Rights* – Parents' rights in mental and medical healthcare
- *Focus on the Family Counseling Consultation and Referrals*
- *Medical Institute for Sexual Health*

### LGBT Issues

In schools, in the culture, and within the family

- *Parent Resource Guide: Responding to the Transgender Issue*
- *Family Policy Alliance: Sexual Orientation & Transgender ideology* – How parents can respond to what's happening in the law and policy
- *Focus on the Family: Resources When Your Child Encounters LGBT Ideology at School*
- *Focus on the Family: Transgender Resources*
- *Focus on the Family: Understanding Homosexuality*
- *Save Women's Sports*

### Legal Groups

Providing legal aid and information for free speech, religious freedom, and parental rights:

- *Alliance Defending Freedom*
- *The Becket Fund for Religious Liberty*
- *First Liberty Institute*
- *Liberty Counsel*
- *The Thomas More Society*



## APPENDIX B Comprehensive Sexual Education

### Additional Reasons Parents Should be Concerned

**Alienates children from their parents:** CSE undermines the values and beliefs of children’s families, including teaching that those beliefs might be bigoted, abusive and/or based in fear. CSE often teaches children they have a right to keep information from their parents about their body or health care (contraceptive use, sexual activity, abortion, sexually transmitted infection (STI) diagnosis, and even gender identity). For example, Colorado’s CSE law promotes *censoring* ideas that stress or emphasize the health of heterosexual, monogamous relationships.<sup>1</sup> One California mother even posted on a parent Facebook page an excerpt from her child’s middle-school health curriculum that labels religion that teaches that there are only two sexes as “spiritual abuse.”<sup>2</sup>

**Leads to a Risk of Increased Sexual Activity:** Evidence also points to the fact that CSE programs seem to *increase* the risk of adolescent sexual activity, STI transmission, and the number of sexual partners a teen may have.<sup>3</sup>

**Teaches Radical and Controversial Ideas:** CSE exposes children as young as kindergarten to radical and controversial content that goes far beyond teaching

biology and risk avoidance and into indoctrinating children about controversial forms of engaging in sex and forging relationships. This is generally beyond the scope of what a public school *should* be teaching in the classroom.

**Allows Explicit and Graphic Material Into the Classroom:** CSE curriculums have been found to teach *young* children how to touch themselves and even *one another* in a sexual manner; promote anal and oral sex; encourage the idea that one can identify as a different “gender” than one’s biological sex; instruct children that same-sex relationships are healthy and comparable to opposite-sex relationships; be neutral or affirming of sexual experimentation and promiscuity; promote “family planning services” like Planned Parenthood (and even pass out their contact information); and *demonstrate* how to use contraceptives on life-like models. They might even *distribute* contraceptives or teach students how to obtain free or reduced-cost contraceptives without their parents’ knowledge or consent.

## Notes

- 1 C.R.S. § 22-1-128(7)(b) (2020).
- 2 <https://www.facebook.com/photo.php?fbid=10213932150034155&set=gm.2919317624775307&type=3&theater&ifg=1>
- 3 CDC, *2014 Trends in the prevalence of sexual behaviors: National YRBS: 1991-2013*, ATLANTA: CDC, available at [http://www.cdc.gov/healthyyouth/data/yrbs/pdf/trends/us\\_sexual\\_trend\\_yrbs.pdf](http://www.cdc.gov/healthyyouth/data/yrbs/pdf/trends/us_sexual_trend_yrbs.pdf); See also, Stan E Weed, Ph.d, Irene H. Ericksen, M.S., *Re Examining the Evidence for Comprehensive Sex Education in Schools 2019 Part One: Research Findings in the United States*, THE INSTITUTE FOR RESEARCH & EVALUATION, at 9 (May 2019).
- 4 See e.g., California Middle School and Highschool Sexual Health Education Program (screen shot); *Lesson 1 of High School Rights/Lesson 5 of Middle School 8th Grade “Rights, Respects, Responsibility: A K-12 Curriculum”* [3R’s].
- 5 3R’s Lesson 5 “STI Smarts” for 8th Grade (normalizes **mutual** masturbation). *Family Life and Sexual Health (FLASH)* is for 4th-6th grade (Intended for children as young as 9). FLASH introduces, exposes, and normalizes high risk sexual behaviors. Many nine-year-olds probably have no concept of “anal” intercourse, which is taught in a manner that it is comparable to “oral and vaginal” intercourse.
- 6 Protecting Your Health: Understanding and Preventing STI’s: A Lesson Plan from Rights, Respect, Responsibility: A K-12 Curriculum (Grade 6, Lesson 7) [https://www.sandi.net/staff/sites/default/files\\_link/staff/docs/sexual-health/6-8-LP-ProtectingYourHealthREV\\_1.pdf](https://www.sandi.net/staff/sites/default/files_link/staff/docs/sexual-health/6-8-LP-ProtectingYourHealthREV_1.pdf).

**Understanding Gender**

*A Lesson Plan from Rights, Respect, Responsibility: A K-12 Curriculum*

**A NOTE ABOUT LANGUAGE:**

Language is really important and we've intentionally been very careful about our language throughout this curriculum. You may notice language throughout the curriculum that seems less familiar—using the pronoun “they” instead of “her” or “him,” using gender neutral names in scenarios and role-plays and referring to “someone with a vulva” vs. a girl or woman. This is intended to make the curriculum inclusive of all genders and gender identities. You will need to determine for yourself how much and how often you can do this in your own school and classroom and should make adjustments accordingly.

**EXAMPLE:** Instead of using the words girl or boy (as this can be “offensive” and “alienate” certain people) the California curriculum suggests and does use language referring to girls as “people with a vulva/cervix,” and boys as “people with a penis.”<sup>4</sup>

**EXAMPLE 2:** One CSE lesson intended to be used for FOURTH Graders teaches about oral, anal, and vaginal intercourse. Most parents agree this type of content for 9-year-olds is outrageously inappropriate.<sup>5</sup>

**WHICH ONE IS RISKIEST (IF DONE WITH A PARTNER WHO HAS AN STI)?**

Tongue kissing, mutual masturbation, using a public toilet

*Note to the Teacher:* Be sure to clarify that “mutual masturbation” refers to two people touching each other’s genitals.

**ANSWER:** Tongue kissing

Grade 6 - Lesson 7

**STI RISK BEHAVIORS  
ANSWER KEY**

**HIGH RISK for STIs**

Unprotected vaginal sex

Unprotected anal sex

Unprotected oral sex

**LOW RISK for STIs**

Vaginal sex using a male or female condom correctly

Anal sex using a condom correctly

Oral sex using a latex barrier or cut-open condom correctly

**NO RISK for STIs**

Bathing together

Kissing on the lips

Solo masturbation

Holding hands

Abstaining from sexual activity

**EXAMPLE 3:** One CSE Lesson (from the 3 R’s Curriculum) for 6th graders encourages bathing with another student and insinuates oral and anal sex are safe alternatives.<sup>6</sup>

APPENDIX C

## Letter Objecting to Transgender Bathroom Policy

***Be sure to change the red text in brackets to fit your personal situation.***

**NOTE:** When changing the text be sure to delete the brackets and remove the red color.

Dear [Principal's Name, School Board, or Superintendent],

I write to object to my child being forced to use the same single-sex [bathroom, locker room, hotel room and/or other private space] as an opposite-sex [biological boy/girl]. My child has the right to feel safe in school. [She/he] also has a right to privacy and bodily integrity. When a [boy/girl] is allowed to use the [girls/boys] [bathroom, locker room, or hotel room] my child's right to privacy and dignity is violated and so are the rights of all the [girl/boy] students who use this bathroom.

I recognize *all* students, including transgender-identifying students, have the right to feel comfortable and safe, but not at the expense of the comfort and safety of the majority of students. If there are transgender-identifying students who are suffering from anxiety or discomfort using the bathroom that correlates with their biological sex, I implore the school to make accommodations for these individuals that do *not* negatively impact the rights of my child and others.

These accommodations could be ensuring student access to a single-stall bathroom, staff bathrooms, or nursing office bathrooms.

I even urge the school to consider installing or converting available private single-sex spaces into single-stall, gender-neutral spaces to accommodate *any* students who are uncomfortable using single-sex spaces. These possible accommodations will ensure the privacy rights of *all* students are protected (not just a minority of students) and are in complete compliance with the meaning and intent of federal law under Title IX.

Title IX requires that schools do not discriminate on the basis of sex (20 U.S.C § 1686). It is not a violation of federal law for schools to maintain sex-segregated spaces to protect the privacy and dignity and our children. (34 C.F.R. § 106.33). In fact, it is this school's duty to treat *everyone* with respect and uphold the rights of *all* students, not just some students. Sex-segregated private spaces have persisted for centuries and for good reason. The fundamental differences between girls and boys is a fact of biology and life and should be honored in schools.

Please take immediate steps to protect the *rights* of my child and all students who not only deserve to be protected in private spaces, but *must* be protected under state, federal, and constitutional law.

Please keep me informed as to what these steps will be.

Sincerely,

[Signature]

[Printed Name]

APPENDIX D

## Sample Letter to Legislator Requesting Support to Save Girls’ Sports

***Be sure to change the red text in brackets to fit your personal situation.***

**NOTE:** When changing the text be sure to delete the brackets and remove the red color.

Dear [Representative/Senator] [Name],

As of 2023, 22 states now have laws in place to protect girls and women from unfair competition in girls’ sports by ensuring that school athletic teams for females shall not be open to students of the male sex.

When the state of Idaho passed the first law of this kind in 2020, the legislature correctly determined that the law would “promote sex equality”:

*Sex-specific teams accomplish this by providing opportunities for female athletes to demonstrate their skill, strength, and athletic abilities while also providing them with opportunities to obtain recognition and accolades, college scholarships, and the numerous other long-term benefits that flow from success in athletic endeavors. H.B. 500 § 33-6202(8)-(12), 65TH Leg., 2nd Reg. Sess., 2020 (Idaho).*

A Save Girls’ Sports law is needed in [Your state’s name] to protect my daughter and other girls like her who have been disadvantaged by having a boy play on her girls’ athletic team in school.[Explain how your daughter was disadvantaged. For example, “my daughter has been denied spots on the girls sports team or “My daughter was prevented from winning a spot on the podium by a biological male.” If you do not have a personal story but are just advocating for the law to pass, you can simply say, “Our daughters are put at a serious competitive disadvantage when boys are allowed to play on girls teams. They are also physically endangered when boy athletes, who are generally bigger, faster, and stronger than girl athletes, are allowed to compete in girls contact sports. Our daughters deserve better.”]

Preventing boys from playing on girls sports team has never before been considered discriminatory nor wrong, until now. This dramatic shift in public policy is hurting girls. Our state legislature should support and pass a Save Girls’ Sports law to protect equality in both boys *and* girls sports.

A biological boy is not denied athletic opportunity because he has an equal opportunity (like all boys) to try out and play for the boys’ team. This law would apply *equally* to all males, regardless of their gender identity, showing its neutral and general application to students.

*Continued on next page*

Title IX, a federal civil rights law, was signed into law in 1972 to ensure girls had equal access to educational and athletic opportunities. Before Title IX passed, girls were barely given a thought in the world of athletics. But since its passing, girls have had the opportunity to access public athletic opportunities on the same level playing field as boys, including access to division sports, college recruitment opportunities, and scholarships.

You, as our state representative, have the power to ensure the athletic opportunities of our daughters continue to be protected. You have the power to ensure the progress we have made to guarantee *all* students have equitable access to sports opportunities is not blocked in our state.

Please sponsor a Save Girls’ Sports bill in [Your State Name].

Sincerely,

[Signature]

[Printed Name]

## APPENDIX E Letter Objecting to Library Material

***Be sure to change the red text in brackets to fit your personal situation.***

**NOTE:** When changing the text be sure to delete the brackets and remove the red color.

Dear [School Principal/School Board Members] ,

I object to [Book title] being stocked and circulated in the school library. This material is not age-appropriate for our children and is contrary to the values we teach our child at home.

Yes, our students have the right to access information and engage in the free exchange of ideas under the First Amendment. But this type of content undermines the spirit and purpose of the First Amendment, which was to ensure the people could come together to freely exchange ideas to bring about positive political and social change. The Miller Court stated years ago that the “portrayal of hard-core sexual conduct for its own sake” is not what the First Amendment was intended to protect.<sup>1</sup>

This content is [explicit/graphic/obscene] and contains controversial adult content, to which our children should not be exposed, especially in a school library [you may want to photocopy the pages with offensive content to include with your letter].

Even if there are some students who are in support of this material remaining, I’d like to remind the [school/school board] it is the parents who get to set standards for the community as to what content is objectionable.<sup>2</sup> It is parents who have the fundamental duty to direct the moral upbringing of our children.<sup>3</sup> It is also parents who elect the school board and pay the property taxes that support this school.

As a parent and an indispensable part of [school name] community, I believe this content has no place in our school library or in the hands of our children/[or specific grade range] and request that it is removed immediately.

Thank you,

[Signature]

[Printed Name]

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1 *Miller v. California*, 413 U.S. 15, at 34-35 (1973).

2 *Pinkus v. United States*, 394 U.S. 557, 568 (1969).

3 *Troxel v. Grainville*, 530 U.S. 57 (2000).



APPENDIX F

## Letter to Access Child’s Library Record

***Be sure to change the red text in brackets to fit your personal situation.***

**NOTE:** When changing the text be sure to delete the brackets and remove the red color.

Dear [School Principal/School Board Members],

Under the Family Educational Rights and Privacy Act (FERPA) I have the right to access all of my child’s “education records,” which includes “those records, files, documents, and other materials which (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.” 34 C.F.R. Part 99.3.

I request that [School Name] immediately release [Child’s name] library record with information as to what books my child has checked out, dates, any outstanding fees, and all other relevant details if these records are kept.

Sincerely,

[Signature]

[Printed Name]



**Family Policy Alliance** is a national Christ-centered ministry committed to a vision of a nation where God is honored, religious freedom flourishes, families thrive and life is cherished. We are dedicated to upholding God's design for the family, the sanctity of human life, and religious freedom in law and public policy. Our joy is to make it as easy as possible for families and churches to engage in the mission field of policy and politics. We train and disciple statesmen and women called to serve as public officials in this mission field. And we engage directly in elections, reaching specific voters on the issues they care about, to influence the outcome of key races. In other words, the heart of our ministry is to unleash citizenship worthy of the Gospel of Christ.

**[FamilyPolicyAlliance.com](https://www.FamilyPolicyAlliance.com)**