

# Protecting Children and Families with Parents' Bills of Rights

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## KEY TAKEAWAYS

With parents pushing back against racially discriminatory and sexually explicit school lesson plans, more lawmakers are proposing parental bills of rights.

These bills affirm parents as the primary decision-makers in their children's lives and require schools to be transparent about the materials used in classrooms.

Despite rampant media mischaracterizations, parental bills of rights protect children from radical ideologies that conflict with their parents' values.

Between 2019 and 2021, a Gallup poll asked Americans whether they were satisfied with K–12 education. The results looked like a pair of scissors. The percentage of respondents who were dissatisfied jumped from 48 percent to 54 percent, while the percentage who were satisfied dropped from 50 percent to 46 percent.<sup>1</sup>

Parents' opinions diverged sharply around 2020, when school officials around the country closed schools due to the COVID-19 pandemic. Traditional, assigned public schools lost contact with tens of thousands of children, and student achievement dropped sharply.<sup>2</sup> Meanwhile, whistleblowers (some of whom were parents) uncovered racially discriminatory and sexually explicit lesson plans that school officials were using in K–12 classrooms.<sup>3</sup> School board recall elections became more common, and K–12 public school

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enrollment dropped by 3 percent in the 2020–2021 school year, a figure accompanied by an increase in students being homeschooled, attending public charter schools, and attending private schools.<sup>4</sup> Unfortunately, many students remain unaccounted for.<sup>5</sup>

State policymakers responded to parents' dissatisfaction with assigned schools in 2021 by adopting new options for public and private school choice. That year alone, lawmakers in 19 states created or expanded K–12 public and private learning opportunities such as education savings accounts.<sup>6</sup>

By the end of 2021, whistleblowers revealed still more evidence that special-interest groups and educators were hiding information about what educators were teaching children from parents and that they considered parents to be a threat to school activities.<sup>7</sup> The ensuing outcry among parents and other voters was so pronounced that the governing board of a national interest group, the National School Boards Association, even publicly apologized for its disparaging remarks about parents. But by then it was clear that education interest groups and federal officials were working to limit parents' interactions with school officials.<sup>8</sup>

These circumstances presented state lawmakers with two key questions in 2022: (1) If parents cannot choose a new school for their child, which rights do they have with respect to what is taught in public K–12 schools? (2) How can lawmakers affirm parents' roles as the primary caregivers for their children?

State officials began to answer these questions with parents' bills of rights. Such bills of rights are not new. Arizona lawmakers, for example, adopted one in 2010. It contains many of the provisions described below regarding parents' fundamental right to direct the upbringing of their children, including education.<sup>9</sup> But now, state lawmakers are considering new provisions that affirm parents' roles as the primary caregivers for their children.

A parental bill of rights should include at least the following four components to affirm that parents and guardians are ultimately responsible for the decisions about their child's well-being. A parental bill of rights should:

**1. Affirm that parents are their children's primary caregivers.**

Public officials must state that parents are their child's primary caregivers. Proposals should affirm that parents are primarily responsible for their children's education and health, as well as their moral and religious upbringing.

**2. Protect children from racial discrimination.** No student should be compelled to affirm or profess any idea, of course, and especially

not any idea that violates the Civil Rights Act of 1964.<sup>10</sup> School leaders should not ask teachers or students to treat individuals differently according to race. Such incidents are the subject of lawsuits in Evanston, Illinois; Las Vegas, Nevada; and Springfield, Missouri, to name just a few.<sup>11</sup>

No one should be allowed to compel teachers and students to participate in such activities or to profess that individuals are guilty of racism based on their own ethnicity. Such compelled behavior is a principal application of critical race theory (CRT).<sup>12</sup>

- 3. Require that schools receive permission from parents before administering health services to students.** Parents or caregivers must give permission for public school employees to administer medication or provide counseling to students under age 18. Teachers and administrators may not withhold information from parents about a student's decision to assume a different gender, nor may educators administer medication to students without the approval of a child's parent or guardian.

Reports continue to surface that some public-school leaders are allowing students to assume a different gender or change their pronouns without parental input.<sup>13</sup> In such cases, parents must be the decision-makers. Obviously, school leaders must act on a child's behalf in a medical emergency or if a child's life is threatened—but such instances must be the exception and not a regular part of school programs and activities.

- 4. Allow parents—and taxpayers—to view the material that educators are teaching students.** Parents should not have to wait for an investigative reporter to uncover radical teaching content to learn what educators are teaching their children. Policymakers, parents, and taxpayers should have easier access to classroom content than they do in most states today. Parents should not have to travel to a district headquarters to see a class syllabus or view a list of reading assignments.

School officials should post the list of reading material and school assignments on websites to which parents have access, using online resources such as Blackboard, Canvas, or Schoology. School leaders

obviously should not violate copyright laws by photocopying textbooks, but parents have a right to know at least the titles of assigned reading and to review course assignments and syllabi.

## Examples from Three States

In 2022, state policymakers around the U.S. considered—and some are still considering—proposals that contain some of the essential provisions described above. State lawmakers’ proposals in three states in particular—Florida, Indiana, and Kansas—can serve as a guide for other policymakers seeking to protect parents and students and to prevent school officials from adopting policies that divide parents and community members from their local schools.

**Florida.** In 2021, Florida lawmakers enacted a parents’ bill of rights that states that parents are their children’s primary caregivers and that “important information relating to a minor child should not be withheld, either inadvertently or purposefully, from his or her parent, including information relating to the minor child’s health.”<sup>14</sup>

The law also says that school officials may not “infringe” on parents’ rights regarding their children’s health without demonstrating a “compelling state interest.” (This is a common legal term denoting when it is appropriate for state actors to restrict or override individual rights.) The bill also gave parents the right “to direct...the moral or religious training of his or her minor child.”

In 2022, state lawmakers expanded on these ideas with another proposal related to parental rights. (Governor Ron DeSantis signed it into law on March 28 as the Parents’ Rights Bill.) Under the new law, school leaders must notify parents “if there is a change in the student’s services...related to the student’s mental, emotional, or physical health,” and school officials may not “withhold from a parent such information.”<sup>15</sup> With reference to gender ideology, the law says, “Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in kindergarten through grade or in a manner that is not age-appropriate or developmentally appropriate for students.”

The media and radical gender activists are directly misrepresenting the law, falsely calling it the “don’t say gay bill.” In fact, the law is no more than an effort to restore parents’ roles as the primary decision-makers for critical decisions about a child’s understanding of sexual biology and gender identity. The text of the law never uses the words “don’t say gay” or even just “gay.”<sup>16</sup> Florida lawmakers also considered a proposal to declare that no one should be “compelled” to believe concepts that “[constitute]

discrimination based on race,” and they adopted a proposal giving parents access to a school’s curricula.<sup>17</sup>

**Indiana.** Indiana Attorney General Todd Rokita released the second edition of his office’s parents’ bill of rights in November 2021.<sup>18</sup> Though not legislation, the attorney general describes it as a “road map” for parents as they exercise their existing rights under state law. The road map:

- Explains that parents have a “right and expectation to question and address your child’s school officials via letters, electronic communications, and in-person meetings”; the “right and expectation” to review school curriculum; the right to play a role in choosing state academic standards; the right to run for school board; the right to “make decisions regarding vaccinations and immunizations for your child” and to decide other medical issues; and the right to receive services if a child has special needs.
- Explains the role of school leaders in creating and adhering to state academic standards and reviews the content that does not align with state standards—such as CRT and social-emotional learning. The guide explains that CRT is discriminatory, calling the radical ideology, along with related revisionist historical projects based on it such as the *New York Times Magazine*’s 1619 Project, “deeply flawed and controversial.” The road map correctly points out that “CRT’s teachings are widespread, and their principles are not rooted in American history or known historical fact.” Heritage Foundation research has also exposed the project’s errors.<sup>19</sup>
- Explains how parents can opt their children out of racially discriminatory instruction. This includes their right to opt out of “evaluations or surveys on political affiliations, religious beliefs or practices, mental or psychological conditions, sexual behaviors, illegal behaviors, privileged or confidential relationships, and income if these evaluations and surveys are not related to academic instruction.” The road map also explains how parents can opt out of sex-education classes, stipulating that parents cannot opt out of “mandatory curriculum.”
- Provides ideas for lawmakers as they consider legislation to protect parental rights. It emphasizes that “students should never be compelled to confirm or declare certain personal beliefs” such as religious beliefs or political affiliations.

**Kansas.** As of this writing, Kansas lawmakers are considering two proposals that defend parental rights.<sup>20</sup> The state Senate proposal also affirms that parents have the right to direct the “upbringing and the moral or religious training” of a child, as well as parents’ rights to “make healthcare and medical decisions” for a child, though the provisions are not as detailed as in Indiana’s road map.

Notably, the Kansas proposal includes a provision stating that parents have “the right to expect that such child, and each teacher and educator of such child, shall not be compelled to affirm, believe, profess or adhere to any idea that violates the civil rights act of 1964.” This statement combines a parental bill of rights with a prohibition on compelled speech—protecting both teachers and students from the racial discrimination that is endemic to CRT.

## Conclusion

State policymakers around the country are considering parental bills of rights with similar provisions. Earlier this year, for example, Texas Governor Greg Abbott (R) announced that he would like to consider such a proposal in 2023.<sup>21</sup> State officials must respond to the radical ideologies that are introducing racial discrimination into K–12 schools while also inserting gender ideology as a replacement for biological sex into K–12 health instruction. Policymakers can reject these ideas without engaging in censorship and instead reaffirm parents’ rights over their children’s education and health care—essential components of any child’s upbringing.

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