

Parents Know Your Rights

1. RIGHT TO BE ACTIVELY INVOLVED IN YOUR CHILD'S EDUCATION

California Education Code § 51101(a): "Parents and guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children."

Specifically including the right to:

- Observe your child's classroom during class time
- Meet with your child's teacher & principal
- Volunteer & assist in your child's classroom
- Ensure a safe & supportive school environment for learning
- Receive information about and opt out of psychological testing

2. RIGHT TO BE INVOLVED IN THE SELECTION OF CURRICULUM

California Education Code § 60002: "Each district board shall provide for substantial teacher involvement in the selection of instructional materials and shall **promote the involvement of parents** and other members of the community in the selection of instructional materials."

This includes the right to:

- Examine curriculum and learning materials
- Make copies and take pictures of curriculum
- Voice concerns and input to curriculum directors, superintendents, principals, and school board members
- Find out when new curriculum is being adopted and voted on by school board members

3. RIGHT TO OPT-OUT OF ALL SEX-ED INSTRUCTION AND SURVEYS

California Education Code § 51937 (California Healthy Youth Act): "It is the intent of the Legislature to **respect the rights of parents** or guardians to supervise their children's education on these subjects. The Legislature intends to create a streamlined process to make it easier for parents and guardians to review materials and evaluation tools related to comprehensive sexual health education and HIV prevention education, and, if they wish, to **excuse their children from participation in all or part of that instruction** or evaluation. The Legislature recognizes that ... parents and guardians have the ultimate responsibility for imparting values regarding human sexuality to their children." Parents also have the right to excuse their child from any and all sexual health tests, questionnaires, or surveys.

Please note that some schools have unlawfully prevented parents from exercising their right to opt-out. There is no exception to a parent's right to opt-out of all or part of sexual health instruction. However, schools are not required to allow parents to opt-out of other classes such as history, language arts, assemblies, etc.

Do not let school officials tell you that you may not opt-out of sexual health instruction!

Schools are required to send a written notice to parents at the beginning of the school year and no fewer than 14 days before the instruction is delivered. By law, the notice must explain all of the following:

- Inform parents that the curriculum is available for parents to review
- Disclose whether the instruction will be provided by school personnel or an outside consultant
- Advise the parent they have the right to excuse their child from sexual health instruction
- Inform parents that in order to opt-out, they must submit a request to the school in writing

4. RIGHT TO OPT OUT OF STANDARDIZED TESTING

California Education Code section 60615: Parents have the right to submit a written request to school officials to exclude their children from any or all parts of state-mandated assessments, including all California Assessment of Student Performance and Progress (CAASPP) tests. However, this does not apply to the mandated California High School Exit Examination (CAHSEE). Opting-out should not impact your child's grades or academic standing.

To opt your child out of these tests, write a letter to the superintendent or school principal letting them know that your child will not take part in the specific test (name the test) this year and ask that the school make arrangements for a productive educational experience for their child during the testing period.

5. YOUR CHILD'S RIGHT TO FREE SPEECH AND EXERCISE RELIGION

First Amendment of the U.S. Constitution: The United States Supreme Court has established that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969). Thus, students may not be compelled to engage in expression with which they disagree. Students may freely exercise their constitutional rights as long as they do not disrupt the functioning of the school or violate school policies that don't hinge on the message expressed.

This includes the right to:

- Wear clothing and jewelry that signify religious or political beliefs
- Organize a religious club on campus
- Refer to religious beliefs in assignments
- Bring a Bible to school
- Hand out flyers and petitions
- Talk to fellow students and school officials about their faith
- Pray on campus