



*Advancing Life, Liberty and Justice*

**NOTICE AND DECLARATION OF PARENTAL RIGHTS - FEDERAL**

My name is \_\_\_\_\_ (parent/guardian).

My residence address is \_\_\_\_\_.

This Notice applies to **each and every child** identified below (hereafter the "child"), each of whom is younger than 18 years of age (provide name and date of birth):

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

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Name: \_\_\_\_\_ Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

The Educational Institution at which the foregoing child is attending for the 20\_\_ - 20\_\_ academic school year is \_\_\_\_\_ (hereafter "Educational Institution"). My filing of this Notice and Declaration of Parental Rights with the Educational Institution is actual notice of my rights to this Educational Institution, its employees, agents and contractors, and also to \_\_\_\_\_ Independent School District (hereafter "School District") of which this Educational Institution is a part. The Educational Institution and School District, their employees and agents, may be referred to, or addressed, either individually or collectively as "you".

1. Congress has determined that:

**“[P]arents have the primary responsibility for the education of their children, and States, localities, and private institutions have the primary responsibility for supporting that parental role.”** (emphasis added).

20 U.S.C. § 3401.

The Supreme Court affirmed this, holding a school district or government **may not “unreasonably interfere[] with the liberty of parents and guardians to direct the upbringing and education of children under their control.”** *Pierce v. Soc’y of Sisters*, 268 U.S. 510, 534-35 (1925).

You are now aware, and are on notice, of your responsibility to support my parental role and rights.

2. I have additional rights based on the State, territory, province and locality where my child attends school. This notification deals with rights guaranteed by the US Supreme Court and federal law. This notification does not waive those rights or any other rights to which I am entitled.
3. I hereby assert, exercise and place you on actual notice of my rights (please note that this is not, nor is it meant to be, an exhaustive list of all of my rights):

**Review of Student and Education Records:**

- a. Your funding is contingent on my right to inspect and review the education records of my child (Family Educational Rights and Privacy Act (hereafter “FERPA”), 20 U.S.C. § 1232g(1)) and all written records of this School District concerning my child, including but not limited to attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and counselor evaluations, reports of behavioral patterns, teaching materials, textbooks, teaching aids, and every test taken by my child after it is administered and scored.

I \_\_\_\_ **(do/do not)** give you my consent to release records of my child if they are requested under the Freedom of Information Act. (20 U.S.C. §1232g).

I also \_\_\_\_ **(do/do not)** give you my consent to make directory information about my child public. (20 U.S.C. §1232g(a)(5)(B)).

If there has been a violation of my or my child’s rights under FERPA, or I have any reason to believe a violation has occurred, I have the right to, and may, timely file (within 180 days of the date that I knew or should have known of the violation) a complaint with the U.S. Department of Education’s Family Policy Compliance Office at 600 Independence Avenue, S.W., Room 1366, Washington, DC 20202-4605, (202-260-3887), TDD (202-260-8956).

*The Justice Foundation is a non-profit, 501(c)(3) organization.*

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9/19/2022

**Surveys and Evaluations, Psychological Exams / Invasion of Privacy:**

- b. I \_\_\_\_\_ **(do/do not)** give my written consent to the Educational Institution or School District to require or otherwise subject my child to any survey, analysis, personal inventory or evaluation that reveals information concerning:
- (1) political affiliations;
  - (2) mental and psychological problems potentially embarrassing to the child or his/her family;
  - (3) sex behavior and attitudes;
  - (4) illegal, anti-social, self- incriminating and demeaning behavior;
  - (5) critical appraisals of other individuals with whom the child has close family relationships;
  - (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  - (7) religious practices, affiliations, or beliefs of the student or student’s parent; or
  - (8) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Protection of Pupil Rights Amendment (“PPRA”), 20 U.S.C. §1232h.

This includes my allowance/prohibition for my child to be given or administered any psychological examination, test or treatment by any school employee, agent or affiliate, unless proof is provided to me in writing, before any such psychological examination, test or treatment is given, that said examination, test or treatment is required by State or federal law.

This includes, but is not limited to:

- (1) Psychiatric or psychological examination or test means a method of obtaining information, including a group activity, that is not directly related to academic instruction and that is designed to elicit information about attitudes, habits, traits, opinions, beliefs or feelings; and
- (2) Psychiatric or psychological treatment means an activity involving the planned, systematic use of methods or techniques that are not directly related to academic instruction and that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group.

34 Fed. Reg. § 98.4(c)(1)-(2).

This further includes, but is not limited to: (1) Structured Reaction Questionnaires; (2) Self-Evaluation/Self-Assessment Exercises, Surveys, Questionnaires; (3) Needs Assessment Instruments/Exercises; (4) Self-Exploration Programs, Exercises, Projects, Assignments; (5) Requests or Invitations for Self-Referral to Individual or Group Counseling Services.

If there has been a violation of my or my child's rights under the PPRA, or I have any reason to believe a violation has occurred, I have the right to, and may, file a complaint with the U.S. Department of Education's Family Policy Compliance Office at 600 Independence Avenue, S.W., Room 1366, Washington, DC 20202-4605, (202-260-3887), TDD (202-260-8956).

**Disciplinary Actions/Corporal Punishment:**

- c. I hereby \_\_\_\_ **(do/do not)** consent to reasonable corporal punishment if it is the policy of this Educational Institute or School District to allow me as the parent, guardian or managing conservator of my child to allow or forbid the use of corporal punishment (including, but not limited to "spanking" or "paddling").

Subject to my consent or non-consent above, I understand that you have the authority to use force, but not deadly force, against my child because you are entrusted with the care and supervision of my child (during the school day or at school events) for the special purpose of educating my child.

However, I also recognize that my child has the right to be free of state-occasioned damage to his/her bodily integrity! *Doe v. Taylor ISD*, 15 F.3d 443 (5th Cir. 1994).

I also recognize, and place you on notice, that the infliction of corporal punishment (spanking) is a deprivation of substantive due process when it is arbitrary, capricious, or wholly unrelated to the legitimate state goal of maintaining an atmosphere conducive to learning. *Woodard v. Los Fresnos ISD*, 732 F.2d 1243, 1246 (5th Cir. 1984); *Gottlieb v. Laurel Highlands Sch. Dist.*, 272 F.3d 168, 174 (3d Cir. 2001); *Wallace by Wallace v. Batavia Sch. Dist.* 101, 68 F.3d 1010, 1016 (7th Cir. 1995).

A professional employee's (superintendent, principal, teacher, supervisor, social worker, counselor, nurse, teacher's aide, student in an education preparation program participating in a field experience or internship, school bus driver) qualified immunity is waived and he/she may be personally liable to me and my child if he/she uses excessive force in the discipline of my child or negligence resulting in bodily injury to my child, if it amounted to a brutal and inhumane abuse of official power literally shocking to the conscience"). *Parratt v. Taylor*, 451 U.S. 527, 553 n.11 (1981), overruled on other grounds by *Daniels v. Williams*, 474 U.S. 327, 330-31, 106 S. Ct. 662, 664 (1986).

**Safe Schools / Freedom From Violence:**

- d. You have the duty, and the authority, to remove disruptive and violent students from the classroom and school, in order to maintain a safe environment for my child, an environment that is conducive to learning and education. As the Supreme Court stated, "The primary duty of school officials and teachers . . . is the education and training of young people. . . Without first establishing discipline and maintaining order, teachers cannot begin to educate their students. . . [T]he school has the obligation to protect

pupils from mistreatment by other children . . .” *New Jersey v. T.L.O.*, 469 U.S. 325, 350 (1985) (Powell, J., joined by O’Connor, J., concurring).

Therefore, if my child is attacked, assaulted, or otherwise harmed by another student, I want and expect that student to be removed from my child’s classroom and/or campus.

**Removal of Child for Observing Religious Holy Days:**

- e. Prior written notice is not required for my child to be excused for the purpose of observing a religious holy day. If the school allows excused absence days for any reason, my child shall not be penalized for any such absence(s) and shall be counted as if my child attended school or as an excused absence. My child shall also be allowed a reasonable time to make up school work missed on such day(s), and if my child satisfactorily complete(s) the school work, the day(s) of absence(s) shall be counted as a day(s) of compulsory attendance or excused absence days, depending on State law and district policy. As the Supreme Court stated:

“In circumstances in which individualized exemptions from a general requirement are available, the government "may not refuse to extend that system to cases of 'religious hardship' without compelling reason." *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 537 (1993) (superseded by statute on other grounds by “Religious Land Use and Institutionalized Persons Act,” 42 U.S.C. § 2000cc et seq).

**Removal of Child From Classroom or Activity:**

- f. If my State or locality allows opt out of curriculum for any reason, I hereby exercise my right to remove my child temporarily from any and every class or other school activity that presents, covers or discusses the following topics or activities because they conflict with my religious and/or moral beliefs. I request that my child be placed instead in an academic program in accordance with his intellectual abilities or in a supervised quiet study environment. I request that the classroom materials on these subjects be provided to me and I will then determine how they will be covered with my child: (circle all that apply):
- Affective Development/Instruction (including, but not limited to, Non-Academic Decision Making, Non-Academic Problem Solving, Self-esteem, Interpersonal Effectiveness and Cross-cultural effectiveness).
  - Death Education (including, but not limited to, Suicide Education and Euthanasia).
  - Dream Interpretations, Evaluations, Meanings, or Discussions.
  - Drug Education.
  - Evolution (other than as a THEORY ONLY).
  - Family Planning and/or Parenting Skills.

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- Globalism Curriculum, One-World Government, Anti-American or Anti-Nationalism Teaching, Advocacy, or Promotion.
- Guidance Counseling, whether group or individually.
- Human Sexuality (including, but not limited to, Abortion, AIDS, Alternative Lifestyles, Birth Control, Contraceptives and/or their use, Divorce, Extra-Marital Sex, Homosexuality, Incest, Premarital Sex, Prostitution, Roles and Society Norms of Males and Females, Sex Behavior or Activity).
- Internet Access without Direct Adult Supervision.
- Journaling (including Log Books, Diaries, Personal Journals) on Topics that are Personally Intrusive and/or Invasive to My Child’s, My or Our Family’s Right to Privacy and Other Personal Matters.
- Life Skills Instruction – Social and Personal Training (including, but not limited to, Gender Equity Training, Interpersonal Relationships; Non-Academic Personality Tests or Evaluations; Sensitivity Training; Exercises in, or Strategies that Call For or Elicit, Self-Disclosure; Attitudes Towards or About Parents, or the Relationship Between my Child and His/Her Parent(s).
- Meditation, Visualization, Holistic Healing or Teaching.
- Origin of the Universe (other than as a THEORY ONLY).
- Population Growth, Control, or Reduction.
- Psychology or Psychoanalysis (including, but not limited to, Group Encounter Sessions, Sociograms, Self-Evaluations and/or Auto-Criticism, Sociodrama and/or Psychodrama Exercises, Sandplay Therapy.
- Religiously Offensive Literature or Reading Material.
- Relaxation Techniques or Exercises (including, but not limited to, Hypnotic Exercises or Techniques, Imagery, Suggestology or other Yoga Techniques).
- Tolerance Training or Instruction on Controversial Topics (including, but not limited to, Homosexuality, Same-Sex Marriage or Partnerships, Family Relations, and Gender Issues or Roles).
- Values Clarification (including, but not limited to Moral Dilemma Exercises, Life/Death Decision Exercises or Survival Games, Role-Playing Involving Moral Issues).
- Vocational/Career Awareness.
- Witchcraft, Magic ("Black" or "White"), Mysticism, Mother Earth, Gaia, New Age, Occultism, the Supernatural, Wicca - Including the Teaching or Discussion of Said Topics.
- \_\_\_\_\_ (other subjects).
- \_\_\_\_\_ (other subjects).

**Right to Religious Freedom, Expression and Exercise:**

- g. My child has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. You may not require, encourage, or coerce my child to engage in or refrain from such prayer or meditation during any school activity.

According to the **United States Supreme Court**, a child in every State, territory, and holding of the United States has the **Constitutional Right** to:

1. Bring to campus—and read—a Bible or other religious book;<sup>1</sup>
2. Pray;<sup>2</sup>
3. Evangelize;<sup>3</sup>
4. Hand out or distribute religious literature;<sup>4</sup>
5. Participate in before or after school events with religious content;<sup>5</sup> and
6. express their religious beliefs in their homework, artwork and other written or oral assignments.<sup>6</sup>

These rights are guaranteed to students in public schools.

“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

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<sup>1</sup> If a school allows students to bring outside books at all, the Bible must be allowed as well. The Supreme Court held that “viewpoint discrimination is an egregious form of content discrimination and is presumptively unconstitutional.” *Iancu v. Brunetti*, 139 S. Ct. 2294, 2299 (2019).

<sup>2</sup> “Thus, nothing in the Constitution as interpreted by this Court prohibits any public school student from voluntarily praying at any time before, during, or after the schoolday.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 313 (2000).

<sup>3</sup> “A student’s rights, therefore, do not embrace merely the classroom hours. When he is in the cafeteria, or on the playing field, or on the campus during the authorized hours, he may express his opinions . . . if he does so without materially and substantially interfering with the requirements of appropriate discipline in the operation of the school and without colliding with the rights of others.” *Tinker*, 393 U.S. 503, 512-513 (1969) (internal quotations omitted).

<sup>4</sup> “The Constitution says that Congress (and the States) may not abridge the right to free speech . . . [b]ut we do not confine the permissible exercise of First Amendment rights to a telephone booth or the four corners of a pamphlet, or to supervised and ordained discussion in a school classroom.” *Tinker*, 393 U.S. at 513.

<sup>5</sup> “[S]peech discussing otherwise permissible subjects cannot be excluded from a limited public forum on the ground that the subject is discussed from a religious viewpoint.” *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 112 (2001).

<sup>6</sup> U.S. Department of Education, *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools*, ED.GOV (Jan. 16, 2020), [https://www2.ed.gov/policy/gen/guid/religionandschools/prayer\\_guidance.html](https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html) (last accessed Sept. 19, 2022).

has been the unmistakable holding of this Court for almost 50 years.”  
*Tinker*, 393 U.S. at 506.

These rights are subject to the rules of the educational institution—if those rules do not target religious exercise or the student’s viewpoint in any way:

“But conduct by the student, in class or out of it, which for any reason -- whether it stems from time, place, or type of behavior -- materially disrupts classwork or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the constitutional guarantee of freedom of speech.” *Tinker*, 393 U.S., at 513.

For more resources on student’s religious rights and a variety of other rights under the First Amendment, visit the Alliance Defending Freedom at [ADFLegal.org](http://ADFLegal.org).

#### Religious Freedom Restoration Act States

The following states have passed Religious Freedom Restoration Acts:

Alabama, Arizona, Arkansas, Connecticut, Florida, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, and Virginia.

In addition to—or in concert with—my other rights, in these states, you may not substantially burden my, my child’s, or our family’s free exercise of religion. If you do so, I have potential remedies which vary by State and may include the right to: sue the school, the district, and you personally, in court and recover against you, declaratory and injunctive relief, compensatory damages, and reasonable attorney’s fees and court cost. The specific remedies available will vary by state and the nature of the burden you placed on my religious exercise.

NOTE TO PARENT: If you believe a sincere religious belief has been substantially burdened by the district or one of its agents or employees, immediately contact an attorney to assist you in protecting your rights and obligations (including exhaustion of administrative remedies) under this statute. You have a limited time to file an action before your rights are lost.

#### Retaliation and Harassment for Exercise of Constitutionally Protected Rights:

- h. My child and I have the right to be free from any and all acts of retaliation, harassment, intimidation, interrogation, or other acts of retribution by any employee or agent of the School District or Educational Institution for the exercise of any of my constitutionally protected rights, including, but not limited to, the right to direct the moral upbringing and education of my child. *Meyer v. Nebraska*, 262 U.S. 390 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925). Section 1983 remedies are available to me against you and/or your employees or agents for any such wrongful acts. (42 U.S.C. §1983).
4. This document shall not be interpreted, as it is not intended, to be exclusive of any other rights, authority, duties or entitlements possessed by me, although not mentioned herein,



in my relationship as Parent/Guardian/Managing Conservator of my child identified above. Neither shall this document act or be interpreted as an affidavit designating another person or agency to act as managing conservator of my child.

- 5. By my signature below, I hereby revoke any other documents previously signed by me concerning or otherwise expressing my consent and directive as to my child listed above. This Notice shall control all issues concerning my child and how you are to educate and deal with my child. Any future changes to my expressed consent and rights contained herein shall only be effective if it is made in writing and expressly contradicts a specific term of this Notice.
- 6. If any part, clause, provision or condition of this Notice is held to be void, invalid or inoperative, such voidness, invalidity or inoperativeness shall not affect any other clause provision or condition hereof; but the remainder of this Notice shall be effective as though such clause, provision or condition had not been contained herein.
- 7. Please make sure this Notice and Declaration of Parental Rights is placed in my child 's permanent file(s).
- 8. I have read this Notice and understand in full the contents thereof, I have signed the same as my own free act, and I completed all blanks before signing.

\_\_\_\_\_  
Signature of Parent

\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Date Signed

Name (printed): \_\_\_\_\_

Mother/Father/Guardian/Managing Conservator (circle one)

DISCLAIMER: This Notice and Declaration of Parental Rights has been prepared by The Justice Foundation [www.thejusticefoundation.org](http://www.thejusticefoundation.org), a non-profit, legal advocacy group that litigates, at no charge to its clients, cases of limited government, free markets, property rights, and parental rights. The Justice Foundation does not represent this/these parent(s) and this Notice does not constitute legal advice or legal representation given. The Justice Foundation created this Notice to assist parents in recognizing and exercising their fundamental rights and duties, under state and federal law, as the parent of their child.

PARENT: BE SURE THAT FOR EACH OF YOUR CHILDREN, YOU GIVE THEIR RESPECTIVE SCHOOL CAMPUSES AN ORIGINAL, SIGNED NOTICE FOR PLACEMENT IN EACH OF YOUR CHILDREN'S PERMANENT FILE!

THE NAMES AND INFORMATION BELOW ARE FOR YOUR COPY OF THE SIGNED NOTICE THAT YOU ARE KEEPING FOR YOUR FILES (YOU'RE KEEPING A COPY AND THE ORIGINAL STAYS WITH SCHOOL):

Signed receipt by school official to whom you, the parent, hand delivered the original of this notice, and date of receipt (hand delivery of original is preferred and recommended, but if you choose to send by mail, it is recommended that you address it to the school principal and send it Certified Mail, Return Receipt Requested).

\_\_\_\_\_  
Signature of Recipient

\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Date of Receipt

Printed Name: \_\_\_\_\_

\*\*\* If school official, or school employee in the principal's office, refuses to sign your copy of this notice, you should ask for their name, then write it and the date and time you delivered this notice to the school, below. Just be sure you leave the original signed notice with the school. They are then on notice of your rights!

Name:

Date and Time of Delivery: