



AMERICA FIRST LEGAL FOUNDATION

**The Protection of Pupil
Rights Amendment:
A Toolkit For Parents**

www.aflegal.org

Fighting Woke Ideology in Public Schools, Protecting our Children: The Protection of Pupil Rights Amendment

Do you know what *your* children are learning in school?



Have your children been asked questions in school about any of these topics?

- Their political beliefs or affiliations
- Their mental or emotional issues or challenges
- Their sexual behavior or attitudes

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- Whether they have experienced Illegal, antisocial, self-incriminating, or demeaning behavior
- Critical appraisals of people with close family relationships
- Their relationships with lawyers, physicians, and ministers
- Their religious beliefs or practices
- Their family's income level (unless it's asked for program eligibility purposes)



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Are posters such as these hanging in your children's classrooms?

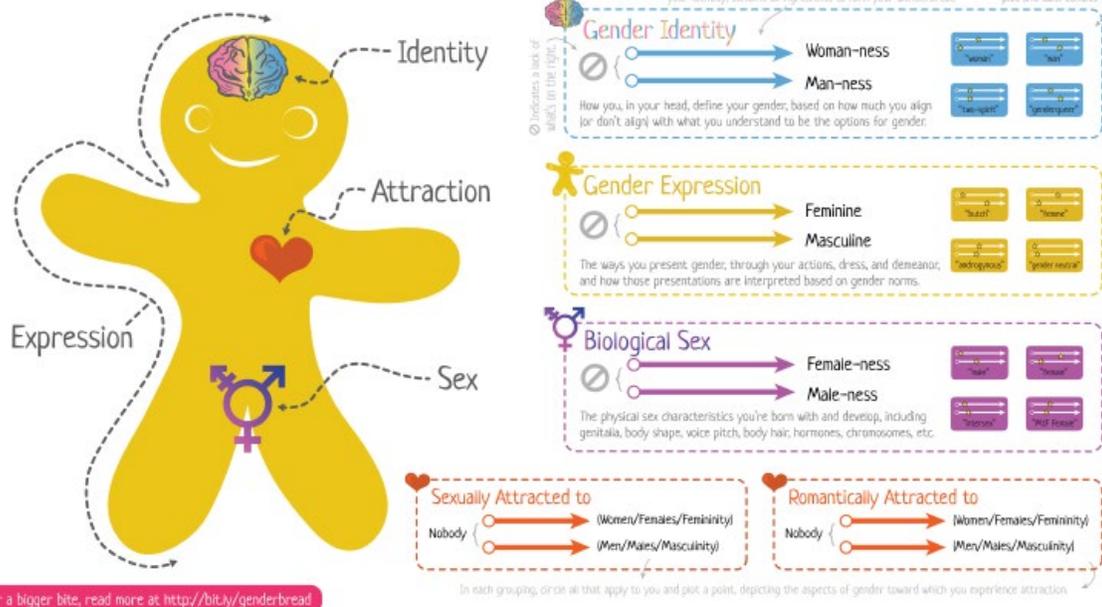


Are these or other similar handouts being distributed by your children's teachers?

The Genderbread Person v3.3

by its pronounced **METROsexual**.com

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.



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It's hard to believe but in communities across the United States, schools are indoctrinating our children with toxic ideologies—like Critical Race Theory and transgender indoctrination—that undermine our nation's most cherished founding principles and traditions. As the Supreme Court has repeatedly said, parents have the ultimate authority over their children's education. Yet school systems, administrators, and teachers often treat parents with contempt and disdain simply for asking questions about what their children are learning and what values schools are promoting. An increasing number of schools don't care.

But *you* can fight back. *You* can find out what your children are being taught in school. *You* can expose it. You can hold administrators accountable, and you can protect your children and our country from the radical left's coordinated assault on your family and your values.

Some states have laws that empower parents to uncover information about the curriculum in their children's schools. And parents should certainly use these laws to learn information. But it is important to recognize that *federal law* allows parents to (1) review the curriculum used to instruct their children in public schools, and (2) prevent schools from asking highly personal questions about students' sex lives, drug usage, and matters of that nature without parental consent. This law, the Protection of Pupil Rights Amendment, [20 U.S.C. § 1232h](#), is one important—but until now little-used—tool for holding administrators and teachers accountable. First passed in 1974 and then expanded several times, the PPRA provides parents with legal rights to review curriculum, and, in some circumstances, to opt out of certain activities at any school that receives federal funding.

Parents must be vigilant and must be willing to fight for their children. The PPRA is an important resource in this fight. Used properly, the PPRA empowers parents to make a meaningful difference in their children's futures.

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WHAT DOES THE PPRA COVER?

The PPRA provides parents the right to review curriculum used to teach their child at school. It also provides parents an extensive set of rights to review, and opt out of, certain surveys and studies that probe into the children's lives and attitudes. Importantly, the Department of Education's PPRA regulations require prior parental consent before a child may be subjected to nearly all forms of critical race theory, gender, and/or "social emotional learning" activities currently being carried on in many K-12 public schools across our country.

Curriculum

Parents have the right to inspect "any instructional material" used as part of the education curriculum for the student. **The parent who wants to exercise this right must request the material; the school does not have to provide access to the material without being asked first.** Parents should demand that schools disclose teacher training materials designed to affect or direct student instruction as "instructional material."

Critical Race Theory, Gender Indoctrination, and "Social Emotional Learning"

The U.S. Department of Education's regulations **require prior written consent from parents or a legal guardian** before a child may be subjected to any "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" or to "the planned, systematic use of methods or techniques that are not directly related to academic instruction and that [are] designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group" concerning one or more of the following:

- Political affiliations;
- Mental and psychological problems potentially embarrassing to the student or his or her family;
- Sex behavior and attitudes;
- Illegal, anti-social, self-incriminating and demeaning behavior;
- Critical appraisals of other individuals with whom the student has close family relationships;

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- Legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers; or
- Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program.



In many cases, school activities related to or informed by critical race theory, gender ideology, or “social emotional learning” **will** trigger the prior consent requirement.

Surveys

Without parental consent, schools cannot require students to answer questions about their:

- Political beliefs or affiliations
- Mental problems or challenges
- Sexual behavior or attitudes

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- Illegal, antisocial, self-incriminating, or demeaning behavior
- Critical appraisals of people with close family relationships
- Relationships with lawyers, physicians, and ministers
- Religious beliefs or practices
- Income level (unless it's asked simply regarding eligibility to participate in a program)

If the school wants to distribute or administer a survey created by an outside entity (not the school), the parent has the right to review the survey first, along with any supplemental materials (including teacher's manuals) that come with the survey. **The parent must request this; the school does not have to provide copies without being asked first. Significantly, *this applies to all gender and race-related materials.***

Certain school districts have retained survey and data mining companies, and they do so with taxpayer funds. These companies sell race-focused student and teacher surveys, data management tools, and training on systemic racism and oppression, white supremacy, implicit bias, gender issues, and intersectionality, often under the rubric of "Social-Emotional Learning." If parents are engaged, speak up, and object, then none of this sort of material should be forced on children. When parents are disengaged and silent, the PPRA and other laws are ineffective.

Personal information to be sold

Parents must be notified and given a chance to opt their child out any time the school is going to collect personal identifying information from their child when that information would then be sold. This includes the child's and the parents' names, home address, phone numbers, and social security numbers, as well as any other identifying information that could be connected to the student. (There is an exception if this is for the development of educational products for students or schools.) It is not clear whether racial and gender data mining that occurs under the "Social-Emotional Learning" rubric is subject to the PPRA's privacy provisions, but it is an issue parents should raise and explore.

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Physical examinations

Parents must be notified and given a chance to opt their child out of any invasive physical examinations that are not emergencies. The law considers an examination “invasive” if it involves exposure of private body parts or any insertion of an instrument into the body (other than hearing, vision, or scoliosis screening).

WHO IS COVERED?

Schools

The PPRA applies to any school that receives federal funding. Public schools receive federal funds in the form of various grants and program funds. Some private schools also receive federal funds if they participate in federal programs. Therefore, it is likely your child is in a school that receives federal funding.

Parents and Children

The statute provides rights to the parents so long as the child is under age 18. After the child turns 18, the rights of parents under the statute transfer to the now-adult student.

WHAT DOES THE SCHOOL HAVE TO DO?

The school **must** provide parents with a **notification** when it wants to ask students about any of the matters listed in the law—surveys about sensitive personal matters and personally-identifying information that would be sold. It **must** ask and obtain from parents **prior written consent** for their child to participate in **any study** that the school is requiring; to participate in any sort of school activity, 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; or to participate in any school activity involving the planned, systematic use of methods or techniques that are not directly related to academic instruction and that are designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group. If the parents do not consent, then the school is prohibited from requiring a child to participate.

The school is also required to come up with a set of standard policies that it will follow to notify parents and obtain consent when needed. The school needs to provide notification to the parents at least once per year.

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Often, the school will provide notice at the beginning of the year, in a perfunctory or highly technical way, to meet its legal obligations but without providing parents with substantive, actionable information. It is no wonder that many parents are unaware of the schools' obligations to parents. Again, parental vigilance and engagement are critical.

WHAT CAN PARENTS DO UNDER THE PPRA?

Parents can and should request information directly from their school district. This written inquiry may be as simple as a letter or an email seeking information as below:

Under the Protection of Pupil Rights Amendment, 20 U.S.C § 1232h, I request the following:

- *Immediate access to all curriculum material, including teacher training materials, used in [specify class]*
- *Copies of all surveys and related documents given to my child during the past school year, and copies of the opt-out notifications you provided to parents, asking for information concerning or related to —*
 - *political affiliations or beliefs of the student or the student's parent;*
 - *mental or psychological problems of the student or the student's family;*
 - *sex behavior or attitudes;*
 - *illegal, anti-social, self-incriminating, or demeaning behavior;*
 - *critical appraisals of other individuals with whom respondents have close family relationships (this should include all material related to "white privilege" or "anti-racism");*
 - *legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;*
 - *religious practices, affiliations, or beliefs of the student or student's parent; or*
 - *income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).*

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Parents can also demand that the school obtain prior written consent for any activity, other than direct academic instruction, related to or informed by critical race theory, gender ideology, or social-emotional learning principles.

If schools do not fulfill their obligations under the PPRA, parents can and should report violations to the U.S. Department of Education using the form provided at <https://studentprivacy.ed.gov/file-a-complaint>. Complaints must be made within 180 days of the date of the violation. In some instances, violations are on-going, so complaints may be filed based upon the most recent date.

WHAT CAN THE U.S. DEPARTMENT OF EDUCATION DO?

Upon learning of a violation, the U.S. Department of Education is charged with investigating and adjudicating violations. The Secretary of Education can terminate a school's federal funding if the school has violated the law and refuses to voluntarily comply.

WHAT CAN YOU DO IF THE U.S. DEPARTMENT OF EDUCATION REFUSES OR FAILS TO ACT?

Parents have a variety of potential options if their school district fails to comply or if the U.S. Department of Education refuses or fails to act. These options are illustrative and more than one may be exercised at the same time. These include:

- Suing the Department, the offending school district, and the individuals involved.
- Filing an administrative petition asking the Department to stop funding the offending school district.
- Asking your congressman or senator to investigate.
- Asking your state representative and/or your state attorney general to investigate.
- Engaging in direct political action, e.g. petitions, school board protests, state or local curriculum and survey transparency laws, and electing new school board members who will follow the law.
- Contacting local media regarding parental efforts for PPRA compliance.

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MAKE THE PPRA WORK FOR YOU

Parents know their children better than anyone. You are the best and truest advocates for your children's well-being. Our schools certainly provide an essential service in teaching our children, but they should do so in partnership and consultation with parents, respecting the sanctity of parents to indeed parent. You do not surrender your rights, responsibilities, and values at the schoolhouse door.

The Protection of Pupils Rights Amendment is a key advocacy tool to support parents as you hold administrators accountable, and as you protect your children, your community, and our country from a radical agenda contrary to those values you hold dear.

**** AMERICA FIRST LEGAL encourages parents to be involved. Please also consider consulting an attorney to discuss what makes sense for you.****

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Don't let anybody tell you that you don't
have a say in your children's education.

Protect your right to parent your children.



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