



# Back-to-school toolkit for parents (K-12)

Colorado Edition

2022/2023 School Year

**FAIR (Foundation Against Intolerance & Racism)**

Colorado Chapter

[colorado@fairforall.org](mailto:colorado@fairforall.org)



## Overview of the Issues

In this cultural moment, conflicting views of American history and society are polarizing our country. Illiberal and regressive ideologies have captured many of our cultural, media, medical, and educational institutions. The common feature that unites these ideologies is the view that all people are defined primarily by immutable characteristics such as skin color or ancestry, and that we are valuable as representatives of an identity group rather than as unique human beings. Proponents of these regressive ideologies advocate for policies that would take us backward, toward discrimination and division, instead of forward, toward a more fair, optimistic and just future. FAIR promotes civil rights and liberties for all people, regardless of skin color, ancestry, or any other immutable trait. We stand for reason, understanding, and constructive dialogue. We believe that we are one human race, and that our solutions to racism and intolerance must be rooted in fairness, understanding, and our common humanity.

Instead of adopting illiberal and divisive ideologies, parents are urging their schools to focus on the content of students' character and not the color of their skin. Parental involvement in their child(ren)'s educational journey will help ensure that schools embrace and support pro-human, shared liberal values such as fairness, understanding, humanity, and the freedom to disagree without fear of censure or shame.

The resources included in this toolkit will help to facilitate this desired outcome.

## Goals

1. Help parents establish a respectful rapport with teachers and school district administrators
2. How to stay apprised of what's taking place in the classroom and the school
3. Understand your legal rights as parents and custodians of students in a public school setting
4. Provide guidance on how to effectively advocate for your child(ren)



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## Where Do I Start?

We advise all parents and guardians to cultivate a respectable relationship with your child(ren)'s teacher(s) and familiarize yourself with curricula and materials that your child(ren) will be exposed to.

### Sample Introductory Letter to Teacher(s)

The following letter is an example of how to introduce yourself to your child's teacher and establish an expectation of staying apprised of the curriculum that will be used in the classroom.

\*\*\*\*\*

Dear [teacher's name],

I wanted to let you know how excited I am for the start of the 2022/2023 school year! My [son/daughter], [name], is glad to be in your [subject] class this year, as you were the teacher [he/she] wanted!

I'm reaching out to you to introduce myself and express my desire to be an engaged and helpful parent. I know that it's important to work as a team if we want students to thrive in the classroom, which requires good communication between home and school. I hope you agree that a first step in this effort is to ensure that parents understand what your students will be learning this school year. Can you please let me know where I can find the following information:

- Syllabus, or learning plan, that summarizes content that will be taught
- Name(s) of third-party curriculum that will be used in your classroom
- Assigned reading lists, including textbooks and novels
- Supplemental resources that will be made available to your students, including videos
- Writing prompts that will be provided [delete if not applicable]

I look forward to meeting you during the next Back to School night, and discussing how my family can support you this school year. *(Or: I look forward to meeting you soon and discussing how we can partner together this school year)*

Thanks again for all you do.

Sincerely,

[Your Name]

## What to look for in curriculum

The following curricula are known to promote a worldview of grievance and cynicism. Links to these programs are included, and we encourage you to become familiar with the content before sharing your concerns with school administrators.

### [Deep Equity](#)

- “America is based on a hierarchy of various oppressions: Men oppress women, Christianity oppresses Islam, English oppresses Spanish, white people oppress everyone.”
- “Differences in academic performance have nothing to do with culture or effort; they are purely the product of racism.”

### [Learning for Justice](#) (formerly known as Southern Poverty Law Center)

The Southern Poverty Law Center (SPLC) is known for its legal cases against white supremacist groups, for its classification of hate groups, and more recently for its school curriculum that focuses on social justice. While the SPLC was once a source for information on extremists and civil rights within the United States, it has, in the last several years, devoted its efforts to pushing an extreme Leftist agenda and labeling anyone they disagree with a “hate group”. You can read a comprehensive critique of the Southern Poverty Law Center’s curriculum [here](#)

### [1619 Project](#)

The 1619 Project is a long-form journalism endeavor developed by Nikole Hannah-Jones, writers from The New York Times, and The New York Times Magazine which "aims to reframe the country's history by placing the consequences of slavery and the contributions of Black Americans at the very center of the United States' national narrative." A review of this curriculum can be found [here](#)

### [Black Lives Matter at School](#)

The lesson plans for “Black Lives Matter at Schools Action Week” included materials such as a “Wheel of Power/Privilege,” in which pre-selected categories of human traits are labeled, boxed off, and ranked according to their degree of marginalization; a “Social Identity Wheel” instructing students to dissect their social selves and map the pieces onto a ring of largely immutable traits such as ethnicity, race, sex, sexual orientation, age, and socio-economic status.



FAIR sent a [letter](#) to the Superintendent of Cherry Creek School District on January 27, 2022, expressing concerns about this curriculum that appears to shut-down open inquiry and viewpoint diversity.

### [The Anti-Defamation League/ No Place for Hate](#)

*No Place for Hate* (NPFH) is a program developed by the controversial [Anti-Defamation League](#) (ADL) and is in more than 70 Colorado schools. The ADL was formed in 1913 with the worthy goal to combat worldwide antisemitism. In 2015, the directorship of the ADL passed from center left Abe Foxman to hyper-partisan, radically-left Jonathan Greenblatt. Since Greenblatt has been at the helm, he has steadily pushed the group farther to the left and destroyed its reputation as being above politics. The ADL has since become a radical left activist group fueling the indoctrination of school children through the *No Place for Hate* school curriculum. You can find the NPFH curriculum [here](#) and an expose on the program [here](#).



## Who to look for in assigned reading lists

If books from the following authors have been assigned, be sure to do your own research on the book and consider requesting that it be balanced with authors who voice a variety of viewpoints.

- Paolo Freire
- Henry Giroux
- Frantz Fanon
- Angela Davis
- bell hooks
- Audrey Lorde
- Antonio Gramsci
- Robin DiAngelo
- Ibram X. Kendi
- Howard Zinn (A People's History of the United States)
- Angie Thomas
- Bryan Stevenson
- Nic Stone
- Ibi Zoboi
- Anastasia Higginbotham
- Jenny Devenny
- The 1619 Project

## The FAIR Reading List for Kids & Teens

Here is a list of books for kids and teens that demonstrate values such as perseverance, leadership, judgment, curiosity, friendship, self-regulation and hope. The list includes memoirs, fiction, non-fiction, and American history.

### Young Readers

*I am Martin Luther King, Jr.*  
by Brad Metzger and Christopher Eliopoulos

*Little Blue Truck*  
by Alice Schertle, Jill McElmurry, illustrator

*Mae Among the Stars*  
by Roda Ahmed, Stasia Burrington,  
illustrator

*Juno Valentine and the Magical Shoes*  
by Eva Chen, Derek Desierto, illustrator

*Hair Love* by Matthew Cherry, Vashti  
Harrison, illustrator

*Enemy Pie*  
by Derek Munson, Tara Calahan King,  
illustrator

*Ferdinand*  
by Munro Leaf, Robert Lawson, illustrator

*Click Clack Moo: Cows That Type*  
by Doreen Cronin, Betsy Lewin, illustrator

*A Good Day*  
by Kevin Henkes

### Elementary School

*The Boy, The Mole, The Fox and the Horse* (all  
ages)  
by Charlie Mackesy

*George Washington*  
National Geographic Society

*Abe Lincoln Remembers*  
by Ann Turner, Wendell Minor, illustrator

*I Have a Dream*  
Dr. Martin Luther King, Jr. and Kadir Nelson

*Wonder*  
by R.J. Palacio

*Separate is Never Equal: Sylvia Mendez  
and Her Family's Fight for Desegregation*  
by Duncan Tonatiuh

*A Place to Land: Martin Luther King, Jr. and the  
Speech that Inspired a Nation*  
by Barry Wittenstein, Jerry Pinkney,  
illustrator

*The Year of Billy Miller*

by Kenvin Henkes

*Code 7: Cracking the Code for an Epic Life*

by Bryan Johnson

*Free For You and Me: What Our First  
Amendment Means*

by Christy Mihaly, Manu Montoya, illustrator

*Little House on the Prairie* by Laura Ingalls  
Wilder

### **Middle School - Fiction**

*Resistance*

by Jennifer Nielsen

*Freak the Mighty*

by Rodman Philbrick

*American Born Chinese* (Graphic novel)

by Gene Luen Yang

*A Long Walk to Water*

by Linda Sue Park

*The Book Thief*

by Markus Zusak

*Fahrenheit 451*

by Ray Bradbury

*Harrison Bergeron* (short story)

by Kurt Vonnegut

*The Giver*

by Lois Lowry

*Anthem*

by Ayn Rand

*Chester Nez and the Unbreakable Code: A  
Navajo Code Talker's Story*

by Joseph Bruchac, Liz Amini-Holmes,  
illustrator

*Best Friends*

by Shannon Hale, LeUyen Pham, illustrator

*The Phantom Tollbooth*

by Norton Juster

*Animal Farm*

by George Orwell

*Inside Out and Back Again*

by Thanhha Lai

*Bud, Not Buddy*

by Christopher Paul Curtis

*The Night Diary*

by Veera Hiranani

*Refugee*

by Alan Gratz

*Out of My Mind*

by Sharon Draper

*The House on Mango Street*

by Sandra Cisneros

*Watership Down*

by Richard Adams



### **Middle School - Memoir**

*Red Scarf Girl*

by Ji-li Jiang

*I am Malala*

by Malala Yousafzai

*Anne Frank: The Diary of a Young Girl*

by Anne Frank

### **Middle School - Non-Fiction, History, Poetry**

*Unbroken (The Young Adult Adaptation)*

by Laura Hildebrand

### **Middle School - Poems**

*“Human Family”*

poem by Maya Angelou

*“Kindness”*

poem by Naomi Shihab Nye

*A Maze me - Poems for Girls*

Naomi Shihab Nye

## High School - Fiction

*1984*

by George Orwell

*In the Time of the Butterflies*

by Julia Alvarez

*The Handmaid's Tale*

by Margaret Atwood

*The Bathwater Brigade*

by Jefferson Shupe

*The Testaments* (sequel)

by Margaret Atwood

*The Circle*

by Dave Eggers

*Brave New World*

by Aldous Huxley

*A Free Life*

by Ha Jin

*The Secret Life of Bees*

by Sue Monk Kidd

*Tell the Wolves I'm Home*

by Carol Rifka Brunt

*The Screwtape Letters*

by C. S. Lewis

*Life of Pi*

by Yann Martel

*The Kite Runner*

by Khaled Hosseini

*The Chocolate War*

by Robert Cormier

*Feed*

by M.T. Anderson

## High School - Memoir

*The Color of Water*

by James McBride

*Educated*

by Tara Westover

*I Know Why The Caged Bird Sings*

by Maya Angelou

*The Slave Narrative of the Life of Frederick Douglass*

by Frederick Douglass

*Night*

by Elie Weisel

*Maus* (Graphic Memoir)

by Art Spiegelman

*Persepolis* (Graphic Memoir)

by Marjane Satrapi

**High School - Non-Fiction, History**

*The Madness of Crowds*

by Douglas Murray

1776

by David McCullough

*The Gulag Archipelago*

by Alexander Solzhenitsyn

*Where Do We Go From Here: Chaos or  
Community*

by Martin Luther King, Jr., Forward by  
Coretta Scott King

*The Other Wes Moore*

by Wes Moore

*The Constitution and the Declaration of Independence: The Constitution  
of the United States of America, by The Founding Fathers*

by Paul Skousen

*The Know Your Bill of Rights Book*

by Sean Patrick

*In Order to Live: A North Korean Girl's Journey  
to Freedom*

by Yeonmi Park

*The Librarian of Auschwitz*

by Antonio Iturbe Lilit Thwaites, translator

*Frederick Douglass: Prophet of Freedom*

by David W. Blight

*The Rise of American Democracy: Jefferson to  
Lincoln*

by Sean Wilentz

*Hamilton: An American Biography*

by Tony Williams

## Terms to Know (standard definitions)

### *Equity*

The quality of being fair and impartial.

Overarching concerns with Equity policies in schools is that they strive to achieve equal outcomes by identity group. The most common grouping of students in terms of evaluating academic disparities is skin color.

It's unreasonable to expect that schools can drive equal outcomes. Douglas Downey, a sociologist at Ohio State University, published a book titled "How Schools Really Matter: Why Our Assumptions About Schools and Inequality Is Mostly Wrong". He observes that gaps in achievement between advantaged and disadvantaged kids can be traced mostly to the time when children are *not* in school - to home, habits, neighborhood, culture. And the gaps begin to appear well ahead of school itself. Research shows that an inequality of outcomes - in school and in later life - is evident before children start school and that schools, on average, simply keep students on the trajectory they were on before.

Equal outcomes are impossible even under the most favorable conditions. Just look at how different siblings are from one another, in spite of being raised in the same household.

### *Equality*

The state of being equal, especially in status, rights, and opportunities.

### *DEI (Diversity, Equity & Inclusion)*

Diversity is the presence of differences within a given setting. Equity is the process of ensuring that processes and programs are impartial and fair. Inclusion is the practice of ensuring that people feel a sense of belonging.

Unfortunately, too many trainings around DEI have devolved into sessions in which educators are told that it is wrong to subject underrepresented students to the same academic standards as other students because of historical grievances such as slavery and Jim Crow. The lesson to expect less and adjust expectations is de-humanizing and is meant to make white people feel good about themselves.



### *SEL (Social and Emotional Learning)*

The process of developing the self-awareness, self-control, and interpersonal skills that are vital for school, work, and life success.

More information about SEL can be found in this toolkit.

### *CRT (Critical Race Theory)*

The legal scholar Angela Harris defined CRT in her foreword to “Critical Race Theory: An Introduction”:

Unlike traditional civil rights discourse, which stresses incrementalism and step-by-step progress, critical race theory questions the very foundations of the liberal order including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law.

CRT says there is no such thing as neutrality, not even in the law, which is why the very notion of colorblindness — MLK’s dream of judging people not based on the color of their skin but by the content of their character — must itself be deemed racist. Racism is no longer about individual discrimination. It is about systems that allow for disparate outcomes among racial groups. If everyone doesn’t finish the race at the same time, then the course must have been flawed and should be dismantled.

CRT is a new ideology that is vying to replace the basic tenets of American liberalism:

- The belief in the sacredness of the individual over the group or the tribe
- The rule of law - and equality under the law - is the foundation of a free society
- Due process and the presumption of innocence are good and mob violence is bad
- Pluralism is a source of our strength
- Tolerance is a reason for pride
- The liberty of thought, faith, and speech are the bedrocks of democracy
- The Enlightenment tools of reason and the scientific method are the best tools for human progress that have ever been devised.

### *Anti-racism*

Opposed to racism.



### *Ethnic Studies*

An interdisciplinary, multidisciplinary, and comparative study of the social, cultural, political, and economic expression and experiences of ethnic groups.

The concern with Ethnic Studies is its tendency to impose a narrow ideology, polarize students, sow bigotry, glorify violent movements, and erroneously equate capitalism with racism. You can find more information at [Alliance for Constructive Ethnic Studies](#).

### *Action/New Civics*

An applied civic education process in which participants in a term-long course select a focus issue for collective action through a process of debate, research the issue and learn advocacy strategies, develop civic skills such as public speaking, formulate a plan, mobilize, educate, then evaluate, and reflect on their experience.

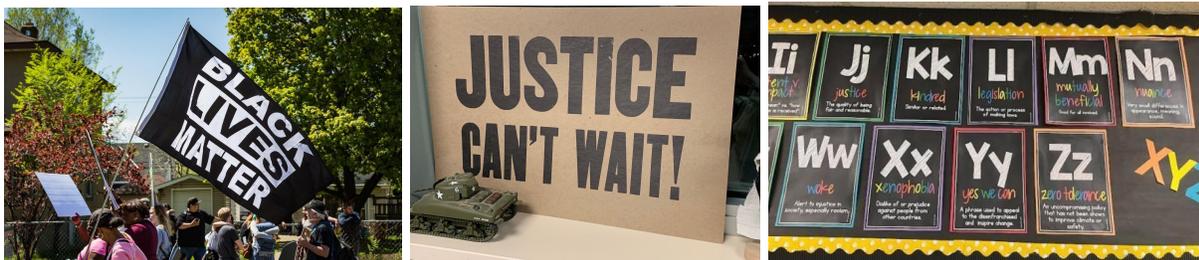
Concerns with Action/New Civics:

- Too much emphasis is placed on participation, and too little on the acquisition of the knowledge of the fundamental political, philosophic, and moral principles undergirding the Constitution
- This is neither liberal education nor genuine civic education; it is ideology
- The effect, if not the intention, of Action Civics is to turn everyone into “activists” without sufficiently addressing the question of what the qualifications are for activism

## How to Gauge the Atmosphere of Your Child(ren)'s School

In addition to reviewing the curriculum in the classroom, you can take additional steps to evaluate the culture of your child(ren)'s school and classroom(s). The following are examples of how illiberal values such as critical social justice and group identity are being promoted in schools and classrooms.

### Posters and flags in the classroom



Too often, posters and signs in classrooms are examples of one-sided perspectives that do not lend themselves to respectful, balanced debate. The power differential between teacher and student is significant, and students who see these slogans and disagree with them may feel too intimidated to speak up. If you believe that your student is being exposed to ideological activism

instead of individual dignity and common humanity, we encourage you to have a discussion with your child's teacher about your concerns.

## Affinity groups



FAIR stands firmly opposed to schools establishing or funding official identity-based affinity groups that restrict membership to those with a particular group identity. School-sponsored racial or other identity-based affinity groups are highly problematic for several reasons. These groups exclude students or teachers based on their identity, which violates their civil rights to be treated fairly and equally without regard to their immutable traits. School-sponsored affinity groups can also reinforce stereotypes based on socially-constructed concepts of "race," which can lead to mistrust, division and racism within our schools by creating an "us" versus "them" mentality. Also, although identity-based affinity groups may aim to create a sense of belonging, students and teachers within those groups may experience social pressure to conform with the behavior and decisions made by their leaders. This pressure interferes with each individual's ability to form and express their own unique identity and to form relationships with those they may have more in common with outside of their designated identity-based affinity group.

If a school decides to move forward with creating identity-based affinity groups, we advise that any such groups be voluntary and not compulsory; no student or teacher should be forced to join a group based on how others perceive them or their identity. We also advise that any such groups be open and inclusive to anyone who wants to join, even if they may not be perceived as belonging to a particular identity group; no student or teacher should be restricted from joining an identity-based affinity group because of how others perceive them. If school-sponsored affinity groups exclude based on such traits, they will run afoul of civil rights laws and foster division and mistrust. Identity-based affinity groups must welcome any and all who want to join, without judgment or question about their identity formation or belonging. This openness will help promote understanding, tolerance, fairness, and a sense of shared belonging within our schools.

It's our hope that a strong culture of belonging can be built and supported through groups that

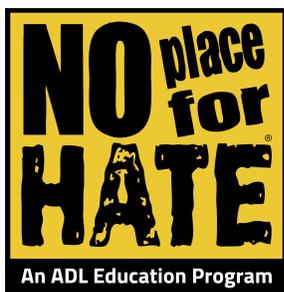
celebrate shared experiences and beliefs, and inclusive community events. A political discussion club is an example of a group that coalesces around shared interests instead of immutable characteristics, and there are many examples of inclusive community events such as multicultural food/culture days, community service days, carnival days, talent shows, and the like.

## No Place for Hate (NPFH)

On the surface NPFH has a very nice veneer to its introductory materials that talk about kindness and anti-bullying, but an exploration of the curriculum reveals contentious, ideological, partisan ideas that are riddled with misleading statements, half-truths, and flat-out fallacies. You can find the NPFH curriculum [here](#). This program actively encourages teachers to groom students to become social justice activists. In nearly all of the lesson plans, the third learning objective is teachers encouraging students to participate in some sort of action, advocacy or activism. Lesson topics include:

- Reforming, transforming and abolishing police
- Election laws that have recently passed in state legislatures across the country, which seek to restore election fairness and prevent fraud by requiring voter identification, are, in fact, nothing but restrictive laws meant to suppress voting by minorities
- States, out of fairness, must allow biological males, “who identify as females,” to compete in girls and women’s sports
- Introducing PreK-2nd grade students to gender ideology

The Douglas County chapter of FAIR created a parental guide to NPFH, and you can access this valuable resource [here](#).



## Privilege Walks

Students are lined up and asked to step forward or backward based on immutable characteristics and other things they cannot control such as their parents' level of education, income and marital status. By the end of the “walk”, students learn whether they have “privilege” and

whether they belong to either a “dominant” or “oppressed” group.

There are two overarching concerns with this practice. First, compelling students to share their deeply personal experiences in front of their peers is inexcusable. Second, whether intentional or not, a response from this exercise is shame and guilt, qualities that don't lend themselves particularly well to a safe learning environment. Not surprisingly, students who participate in this exercise often become upset and confused, and some even need therapy due to this practice.

If questions in this exercise address the issue of race and result in disparate treatment in the form of shaming, and school principals sanction these questions, a school district may be the recipient of civil rights complaints.

**CHECK YOUR PRIVILEGE:**

- WHITE
- MALE
- CLASS
- CHRISTIAN
- CISGENDER\*
- ABLE-BODIED
- HETEROSEXUAL

privilege: unearned access to social power based on membership in a dominant social group

*Presented by Dr. Walker (Psychology Dept.), Dr. Poole (School of Management, Marketing Dept.), Professor Murray (Design Program), and Student Life. Poster designs by Camille Esposito, Ray Choi, Veronica Cabanayan and Cat Bagg*

\*CISGENDER: a description for a person whose gender identity, gender expression and biological sex all align

The views presented herein do not necessarily reflect the position of the University of San Francisco.

## Genders & Sexualities Alliances (GSAs)

Like NPFH, GSAs present good intentions: provide a supportive environment for all students regardless of gender identity or expression. However, GSAs have gone beyond those parameters, and they may be a source of activist training for students. An article in [City Journal](#) highlights the political objectives of this organization and how the activities of this organization are intentionally concealed from parents. You can watch an interview with a Colorado parent whose daughter was subjected to this activist training [here](#).

## How to Get Involved

It's critical that parents be engaged with their child(ren)'s schooling, and have a firm grasp on not only the curriculum being taught in the classroom but also the culture of the school in which students spend the majority of their days. The following suggestions are not meant to be an exhaustive list of ways to be engaged, but they have yielded positive results.

### Attend Back-to-School Meetings

Clear your schedule to attend these meetings! These are the best opportunities to get to know your child(ren)'s teachers, see the classrooms in which your child(ren) will be spending their days, and become familiar with the curriculum.

The following questions can be asked in the spirit of ascertaining the culture of a classroom.

- What's the best way to contact the teacher?
- How will teachers communicate with parents regarding their concerns around discipline or social behaviors of students?
- How will the teacher communicate what's happening in the classroom including the curriculum and events? What's the frequency of this communication?
- Is technology used to enhance the students' learning experience? If "yes", how is it done?
- How is viewpoint diversity encouraged? [this is applicable to middle and high school classrooms]
- Do you ask for students' preferred pronouns? [be prepared to share your position on this]
- Do you aspire to achieve equity in your classroom? What does equity mean to you?
- Do you instill a sense of social justice into your classroom? If so, please provide an example of how this is done
- Do you support affinity groups in the school? If so, please provide details on which group you support, and why

### Join School Committees

#### School and District Accountability Committees (SACs and DACs)

In 2009, the State of Colorado passed SB 09-163, the *Education Accountability Act*. This legislation mandates that every public school have a School Accountability Committee (SAC). In 2013, the state passed SB 13-193, legislation focused on increasing parent engagement in public school, which added to the statutory responsibilities of the SAC. The purpose of the SAC is to inform, encourage and provide opportunities for parents and community members to be involved in the



planning and evaluation of the school's instructional program and quality improvement processes.

District Accountability Committees (DAC) are made up of parent and school representatives who work together to offer recommendations about the district's spending priorities, improvement plan, and charter schools to the Board of Education.

More information can be found [here](#). Your local school district website should have information on how you can join and contribute to SACs and DACs.

### Attend School Board Meetings

Per [parents.com](#), “School board meetings are a great way for parents to get involved in their child's education and make an impact on the community.”

Each local school board makes important decisions on behalf of the school district they serve. They control the budget, which means deciding how to allocate taxpayer dollars district-wide. The school board makes policies that affect your child's school, be it elementary, middle or high school. Decisions regarding curriculum, staff training, and textbooks are all responsibilities of the school board. They also appoint the superintendent. Policies should be in place as to the board's obligations regarding discrimination; it would be wise to become familiar with these policies.

Typically, a school board is composed of three to seven elected representatives whose terms last four years. The election cycle for school board members is usually staggered, in which at least some school board members are up for reelection every two years. This presents an opportunity for changes to take place with your school board on a pretty regular basis. If you have ever considered running for school board (and you should consider it if you are displeased with the direction your school district is going), you have regular opportunities to launch a campaign. It has been said that 100 local school board members have more direct influence on the U.S. population than 100 elected officials in Washington.

When should you involve your school board on an issue of concern? After you have exhausted all channels of communication at the school level and have not had a satisfactory outcome, it is time to involve the school board.

If you take this step, get prepared and be organized. Start by researching your school board members in order to gain knowledge as to where they might stand on your issue. Look at their Facebook pages; see what they are saying on Twitter; look up news stories where they are



quoted. Next, arrange a meeting with a chosen school board member. Doing this may take some persistence, particularly in a large district. Identify other parents who share your concerns and ask them to attend the meeting with you. A small group of dedicated parents can have a big impact on a school board. When you meet with the school board member, bring any material that will help your cause, including data, research and anecdotal examples. Be ready to clearly articulate your concerns and one or more solutions. Do your best to keep emotions in check.

If you decide to attend a school board meeting and wish to address the board, you will most likely have an opportunity to comment on agenda items during the meeting (i.e. textbook or course approval, equity committee presentation, contract with consultants). However, don't just show up and plan to talk about a subject that is not on the agenda, unless you follow the guidelines for introducing it. For that, most school boards allow time for public comments at the end of meetings, generally limited to a two or three minute presentation, but you will probably need to sign up for the public comment period at least 30 minutes before the meeting starts. Get there early. Sometimes those public comment periods are limited and they do get filled up. If you want an item to be formally added to the agenda of an upcoming meeting, you will need to submit a request several days in advance. District Websites normally post details about this online.

Comments you make during a school board meeting may or may not automatically be added to the board minutes. If you want them added as something more than “Mary Smith then addressed the board,” be sure to specifically say, “I would like this document added to the minutes” and provide a written copy of your comments.

No matter what, pay attention to your school board. Attend your school board meetings or watch the livestream. Read the agenda and minutes. At election time, support school board members you like and vote. Why? Because the school board makes incredibly important decisions that directly affect your kids and the community at-large.

### Talk With Your Kids

The best way to gauge how your student is engaging in school is to ask questions that yield more than a “yes/no” response, or a “harumph” from a grumpy teenager! Here are some suggested questions that may spark a fruitful discussion!

1. What made you smile today?
2. Did you learn something interesting today?
3. What fun activity did you do today?

- 
4. Did you ask any questions today of your teacher?
  5. If you could switch places with your teacher, what subject would you like to teach?
  6. Did you do something good today?
  7. Did you find something hard or difficult?
  8. What were the best things about today?

Don't forget to remind your child that if an adult tells them that any conversation or materials should not be shared with a parent, that is unacceptable and your child should excuse themselves from the situation immediately.

## Parental Legal Rights

From the [American College of Pediatricians](#):

*Parental rights have long been viewed as foundational to the benefit of family and society. Multiple Supreme Court decisions prior to 2000 have been very supportive of this concept, but several more recent lower court decisions have chipped away at parental rights to direct what their children are exposed to.*

*Laws in many states have effectively barred parents from access to their child's health file – particularly dealing with reproductive health, mental health and substance abuse.*

*A child's brain is under rapid and considerable development during the early teenage years, and most authorities support the scientific position that the frontal lobe does not fully mature until the early 20's.*

*Parenting styles can be beneficial to the child as expectations, behaviors, and sanctions are taught and learned, and age-appropriate autonomy is recognized by both parent and child. Adolescents consistently participated in fewer high-risk behaviors when parents were involved with and knowledgeable of their activities.*

*Current scientific research demonstrates that:*

- *Children and adolescents have immature brain development that benefits from parental involvement in decision-making.*
- *Children and adolescents do better in an environment where parents state expectations and provide reasonable consequences for inappropriate behavior*
- *Adolescents are less likely to participate in risky behaviors if they feel connected to the family*
- *Adolescents who avoid high-risk behaviors will enter adulthood with better skills and outcomes*

*The American College of Pediatricians strongly endorses parental rights in promoting the best for children and for ensuring a healthy society.*

The following sections of this toolkit outline parental rights at the federal and state levels. We encourage all parents to familiarize themselves with the spirit and intent of these laws and regulations.

## Federal Laws (Applicable to Public Schools)

### Free Speech/Expression

from [Parents Defending Education website](#)

The [First Amendment](#) includes several specific freedoms that are particularly relevant to K-12 students.

*Prohibited Speech:* School officials cannot formally restrict most student speech. As a general rule, the U.S. Constitution protects student speech that does not “materially and substantially interfere with the requirements of appropriate discipline in the operation of the school.” In addition, school officials bear the burden of justifying any restrictions on student speech. Nevertheless, “the constitutional rights of students in public school are not automatically coextensive with the rights of adults in other settings.” Schools also can punish lewd or offensive speech that occurs at school. But when the school’s concerns are not legitimate, its authority to restrict student speech ends.

*Compelled Speech:* School districts cannot compel student speech on any topic. “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” *West Virginia v. Barnette* (1943)

*Retaliation:* Teachers and other school officials cannot retaliate against students who engage in protected speech in the classroom, on school grounds, or off school grounds. Although the test varies slightly by circuit, the federal appellate courts have held that students can sue for First Amendment retaliation if they were engaged in protected speech, the school took an adverse action, and the student’s speech was a motivating factor for the school’s action. The school’s adverse action must be something that would deter a student of ordinary firmness from engaging in that speech again. Giving a student poor grades or reviews is a clear example. Notably, the Eighth Circuit recently held that “the stress, anxiety, and ostracization arising from a teacher’s false attribution of racist utterances to a middle-schooler” also “might fit the bill.”

### Additional Resources:

- [Students Don’t Have to Leave Their Faith at Home](#), Alliance Defending Freedom
  - [Students’ Rights](#)
  - [Parents’ Rights](#)
  - [Teachers’ & Coaches’ Rights](#)
- [4 Things You Can’t Say in the K-12 Classroom](#), Foundation for Individual Rights in Education

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- [K-12 Expression and the First Amendment](#), Foundation for Individual Rights in Education
  - [Free Speech and Mental Health in School](#), Foundation for Individual Rights in Education
  - [Know Your Rights: Religious Freedom](#), American Civil Liberties Union
  - [Know Your Rights: Students' Rights](#), American Civil Liberties Union

Title VI of the Civil Rights Act  
from [Defending Parents Education website](#)

*No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. – Title VI of the Civil Rights Act of 1964*

Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color or national origin in programs or activities that receive federal financial assistance. Agencies and institutions that receive ED funds covered by Title VI include: 50 state education agencies, their subrecipients, and vocational rehabilitation agencies; the education and vocational rehabilitation agencies of the District of Columbia and of the territories and possessions of the United States; 17,000 local education systems; 4,700 colleges and universities; 10,000 proprietary institutions; and other institutions, such as libraries and museums that receive ED funds.

“[T]o establish a *prima facie* case under Title VI, plaintiffs must show that they: (1) are members of a protected class; (2) were qualified for the educational benefit or program at issue; (3) suffered an adverse action; and (4) the adverse action occurred under circumstances giving rise to an inference of discrimination.”

Evidence that similarly situated students outside the protected class were treated differently than the plaintiff can raise an inference of discrimination. In addition, school officials’ deliberate indifference to student-on- student discrimination that causes a hostile learning environment can be a form of intentional discrimination. Put differently, plaintiffs do not need to prove that a teacher or school intentionally discriminated against students to prevail on a Title VI claim; they only need to prove that a public official ignored pervasive discrimination or encouraged such discrimination.

#### Additional Resources

- [What to do if you experience racial harassment or discrimination at school](#), Save Your Six
- [Know Your Rights: Race, Ethnicity, or National Origin-Based Discrimination](#), American Civil Liberties Union

## Title IX

from [Parents Defending Education website](#)

*No person in the United States shall, based on 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. –Title IX of the Education Amendments of 1972*

### What is Title IX?

Title IX is a federal statute, ratified in 1972 as one of the Education Amendments, intended to protect students and other individuals from discrimination based on sex in education programs or activities that receive federal financial assistance. Title IX applies to institutions that receive federal financial assistance from the U.S. Department of Education (ED), which includes both state and local educational agencies. These agencies include approximately 16,500 local school districts, 7,000 postsecondary institutions, as well as charter schools, for-profit schools, libraries, and museums. Also included are vocational rehabilitation agencies and education agencies of 50 states, the District of Columbia, and territories and possessions of the United States.

Title IX protects all students from discrimination on the basis of sex, including students being treated differently, harassed, or subject to hostile environments on the basis of sex. Title IX's protections extend to all aspects of a school's "programs and activities," including admissions, access to courses and classes, athletics, including resources, athletic facilities and athletic opportunities provided to students. The Department's regulations implementing Title IX have largely remained unchanged, with a few exceptions, since 1975.

### 2020 Regulations

In May 2020, the Department finalized historic regulations. The regulations marked the first time the Department of Education recognized, in law, sexual harassment or sexual misconduct as a form of sex discrimination prohibited under Title IX. Prior to the passage of the 2020 regulations, sexual harassment had only been addressed through the issuance of informal guidance documents known as "Dear Colleague Letters." These 2020 regulations included:

Improved due process protections.

- The 2020 rules provided an express presumption of innocence – which was not the default setting prior to 2020. Accused students should now be given written assurance that they are presumed innocent, and schools are not able to impose any disciplinary actions on students accused of misconduct until the end of the case, though they retain the ability to remove students from campus if they are found to pose a risk.

- The 2020 rules improved the impartiality of proceedings. Schools must provide procedures that are both “prompt” and “equitable,” giving students sufficient time to prepare for interviews and a hearing. In addition, students must now receive written (and ongoing) notice of allegations, and have access to ALL of the evidence related to the evaluation – and accused students are now able to submit, examine, and challenge evidence. Furthermore, schools may “not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.” K-12 public schools are permitted, but not required, to provide hearings. They must issue a final written decision and offer a way of appealing.
- The 2020 rules require the use of impartial investigators and decision-makers are required; prior to this, only slightly more than half of schools explicitly required that fact-finders be impartial.

A clarification as to WHAT must be investigated, WHEN, and by WHOM.

- WHAT must be investigated: The 2020 rules formally codified a definition of “sexual harassment” that comports with what the Supreme Court of the United States found in *Davis v. Monroe County Board of Education* (1999): unwelcome conduct that is “so severe, pervasive, and objectively offensive that it effectively denies a person equal access to education.” The amended definition also includes sexual assault, dating violence, domestic violence, or stalking as well as *quid pro quo* harassment on the basis of sex. The previous definition broadly included “any unwelcome conduct of a sexual nature,” which led students and faculty to be punished for speech and expression protected by the First Amendment. The 2020 rules make the scope of actionable sexual harassment more precise and should exclude conduct that ought to be protected under the First Amendment.
- WHERE schools have Title IX jurisdiction: The 2020 rules clarified that schools must respond to any sexual harassment that takes place “in the school’s education program or activity.” This includes not only incidents that occur on school grounds, but also incidents that occur in contexts where the school has “substantial control,” including school-sponsored field trips.
- WHO is responsible: The 2020 rules clarified that in the K-12 context, schools are obligated to investigate complaints whenever any employee has notice of sexual misconduct; if any employee of the school (a bus driver, librarian, teacher, etc) becomes aware, the school is on notice and is required to respond. If a public school district’s Title IX coordinator (or any other official with the authority to institute corrective measures on the school’s behalf) learns of misconduct, the school has an obligation to respond to the alleged harassment. Schools must respond promptly and in a manner that is not deliberately indifferent; schools and/or Title IX coordinators must offer

“supportive measures” to any person who has alleged sexual harassment, regardless of whether the complainant intends to file a formal complaint.

### Implementation

- Under the 2020 rules, every public school must appoint an employee to coordinate efforts to comply with Title IX responsibilities; this person is known as the “Title IX coordinator.” The 2020 rule increased and expanded the obligations of a public school to know how to report allegations of sexual harassment to the school’s Title IX Coordinator; public schools are required to notify students and employees of the Title IX Coordinator’s contact information, as well as applicants for employment, parents or legal guardians of elementary and secondary students, and all unions. An individual may file a complaint with the Title IX Coordinator at any time; outside of typical business hours, by telephone, mail, or e-mail. Any person may contact the Title IX Coordinator.
- The 2020 rules also required schools to adopt and disseminate Non-Discrimination Policies, written grievance procedures, and information about how to file a formal complaint alleging sexual harassment. Schools must display and post Title IX policies on websites, and in policies and handbooks. Grievance procedures adopted by a public school must provide for the prompt and equitable resolution of student and employee complaints, and a grievance process that must meet specific standards outlined in the Final Rule.

### Gender Identity and Title IX

- At the time of its passage in 1972, Title IX’s prohibition of discrimination “on the basis of sex” would not have been understood to include sexual orientation or gender identity; rather, the commonly understood meaning of the word “sex” referred to an individual’s biological sex.
- On his very first day as President, on 20 January 2021, President Biden issued an “Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation”. Relying on precedence set in the Supreme Court’s *Bostock v. Clayton County* case, President Biden’s Executive Order provides that for purposes of Title IX and its implementing regulations, the prohibition of discrimination based on sex includes gender identity or sexual orientation. President Biden also directs federal agency heads to evaluate revisions, suspensions, or possible revocations of policies to align with his Executive Order. In sum, for all of the ways schools have sought to prohibit and address discrimination based upon sex, i.e. being male or female, schools will now have to prohibit and address discrimination based upon a student’s sex, i.e. male, female, or any other gender identity.

- Should policymakers desire to expand the definition of “sex” in Title IX to include gender identity, Congress should do so through the legislative process – not by bureaucratic fiat.

#### Additional Resources:

- [High School Resource Guide](#), Know Your IX
- [State Policies on Bullying, Harassment, and Hazing](#), National Center on Safe Supportive Learning
- [Know Your Rights: Sex Discrimination](#), American Civil Liberties Union
- [9 Things To Know About Title IX](#), Independent Women’s Forum
- [Lia Thomas Was Just the Beginning. Biden Administration Wants to Eliminate Women’s Sports](#), Heritage Foundation
  
- Coming soon! FAIR Legal is drafting its public comment on the Proposed Title IX Regulations and will be publishing them on [fairforall.org](https://fairforall.org). You will have an opportunity to copy and paste FAIR’s comments and send them to the Biden Administration.

## The Protection of Pupil Rights Amendment (PPRA)

From [America First Legal](#)

As the Supreme Court has repeatedly said, parents have the ultimate authority over their children’s education. And yet schools often ignore parents’ rights. School systems, administrators, and teachers often treat parents with contempt and disdain simply for asking what their children are learning and what values schools are promoting.

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 (most recently in 2002), the PPRA provides parents legal rights to review curriculum, and in some circumstances to opt out of certain activities at any school that receives federal funding.

Some states have laws that empower parents directly to find out what local public teachers and administrators are up to. But it is important to recognize that *federal law* allows parents to review curriculum and prevents schools from asking highly personal questions about students’ sex lives, drug usage, and things of that nature without parental consent. At the end of the day, parents must be vigilant, and must be willing to fight for their children. The PPRA should be one valuable tool for doing so.

\*\* This is for your general informational purposes only. It is not legal advice and does not create an attorney-client relationship between you and AFL. \*\*

### WHAT DOES THE PPRA COVER?

The PPRA provides parents with a right to review curriculum used to teach their child at school. It also provides an even more extensive set of rights to review, and opt out, of certain surveys and studies that probe into the children’s lives and attitudes.

#### 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.”

## Surveys

Without advanced parental consent, schools cannot, using Federal DOE funding, require a student to complete a survey that asks questions about:

- Political beliefs or affiliations
- Mental problems or challenges
- Sexual behavior or attitudes
- 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 material (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. Critically, *this applies to all gender and race-related materials*.

Certain school districts have retained survey and data mining companies. 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 and object, then none of this sort of material should be forced on children. But if 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 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.

### 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 statute 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.

### 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 the 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 should ask the parents for *written consent* for their child to participate in *any study* that the school is requiring. If the parents do not consent, then the school, in theory, is prohibited from requiring the 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.

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 real, actionable information. Again, parent vigilance and engagement are critical.

## WHAT CAN PARENTS DO UNDER THE PPRA?

Parents can request information directly from their school district with something as simple as a letter or an email that says:

*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).*

If schools do not fulfill their obligations under the PPRA, parents can 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.

#### 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 the U.S. Department of Education refuses or fails to act. 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.

**\*\*Consult an attorney to discuss what makes sense for you.\*\***

### ESSA - Every Student Succeeds Act

#### [Public Law 114-95](#)

Section 116 Parent and Family Engagement: Parents shall be given reasonable access to staff, opportunities to volunteer and participate in their child's class and observation of classroom activities.

### Sample Opt-Out Letter

There are state-specific opt-out forms available at the [Pacific Justice Institute](#), and you can click [here](#) for the Colorado-specific form. The following opt-out letter is more comprehensive, and can be found [here](#). We would suggest that the following opt-out letter be sent only if parents' efforts to engage with teachers and administrators have been met with resistance.

\*\*\*\*\*

Dear Principal \_\_\_\_\_

I write to you to seek your cooperation in ensuring that the education my child receives at school respects my child's human dignity, does not physically or psychologically harm my child, or interfere with the sacred parent-child connection between my child and me.

Specifically I ask that my child not be subjected to lessons, readings, classroom presentations or any pedagogical practices that violate my child's, or my parental, rights protected by State and Federal laws.

Pursuant to the Protection of Pupil's Rights Amendment (PPRA) and the Family Educational Rights and Privacy (FERPA) I have the right to be notified of, opt my child out of, and have access to educational records regarding, my child's school inviting or requiring my child's participation in any classroom instruction, practice, teaching materials, or trainings which would require my child to disclose information about his or her (or my/our) race, color, religion, socio-economic status, national origin, political affiliations, mental or psychological problems, sex, gender, sex behavior or attitudes, or engage in critical appraisals of close family relationships.

Accordingly I exercise my parental rights to have my child OPT-OUT from classroom or school wide participation if any of the following instructional materials are used or classroom practices are put in place in my child's class or school:

- Segregating students by race for instruction or discussion e.g. the use of "affinity groups," or any learning or other activities that separate students by race, ethnicity, skin color, religion or socio-economic status (SES) status.

- “Privilege walks” where children are lined up (including virtually) and asked to step forward or back based on immutable characteristics such as race, color, ethnicity, national origin, sex, sexual orientation, or religion.
- Prioritizing or selecting student participation based on immutable characteristics that children have no control over, e.g. a classroom practice of not calling on white male students first.
- Unless presented by the school in a factual, neutral way that also presents alternative perspectives to encourage critical thinking skills: assigned reading, lessons or presentations of authors who advance the notion that “all” members of one race can be assigned a single trait, e.g. “all white people are racist”
- Unless presented by the school in a factual, neutral way that also presents alternative perspectives to encourage critical thinking skills: assigned reading, lessons or presentations from authors who argue that discrimination by race is acceptable or positive, e.g., “the remedy for past discrimination is present discrimination and the remedy for present discrimination is future discrimination”
- Any lesson, reading assignment or presentation that presents as undisputed facts, the claim that our country is founded on hate and oppression or that the United States is irredeemably, systemically a racist or sexist country.
- Lessons, readings or presentations that present as undisputed facts the notion that only certain groups have suffered from oppression or that there is a hierarchy of oppression suffered by different groups.
- Lessons, readings or presentations that present as undisputed facts, notions and ideas that are not based on scientific facts, e.g. unproven belief systems claiming that sex at birth is a social construct or is “assigned” rather than observed and recorded; that children might be “born in the wrong body” or have a girl’s/boy’s brain in a boy’s/girl’s body; that humans are not a sexually dimorphic species; that there are more than two human sexes (male, and female) or that any individual might be both, or neither, male nor female; that a person’s sex is determined by a person’s feelings, beliefs, or preference for certain sex-based clothing, hair, dress, or appearance stereotypes; that sex is not an immutable human characteristic or that feelings, beliefs, or medical treatments can change a person’s sex; that English language pronouns based on a person’s objective designation as a male or female person are discriminatory; required use of linguistic labels such as “cisgender” or “gender identity” that imply belief in the mutability and/or non-binary nature of sex; encouragement of children to have irreversible medical treatment that

alters their bodies without parental knowledge or approval; asking or requiring my child to identify himself or herself by reference to “gender identity” or “preferred pronouns”; or conveying to children that refusal to adhere to beliefs about “gender” that controvert scientific facts about “sex” is discriminatory, bigoted, or immoral.

- Lessons that disparage virtuous, constructive or science-based mindsets, such as objectivity, punctuality, sense of urgency, individualism, curiosity and learning from and adopting ideas, practices and cultures of other groups.

Participation in any of the above, or similar instructional materials and practices, violates our family’s belief system. I therefore expect that I will be notified if any of the foregoing materials or practices are being introduced or utilized in my child’s classroom or school programs or activities, with the specific right to opt my child out of participation or exposure to said materials or practices. With or without my receipt of advance notice from the school, I hereby opt my child out of participation in any classroom or other school program or activity that utilizes said materials or practices and expect the school to respect my parental right to do so without penalizing my child’s inclusion and participation in all other classroom and school programs and activities.

I kindly ask for written acknowledgement of our request and look forward to working collaboratively and respectfully with you and school staff members to ensure that my child(ren) is/are not subjected to belief-based practices which violate our family’s sincerely-held beliefs and which are, in my view, unrelated (and potentially antithetical) to your school’s responsibility to provide my child with a quality education.

With respect,

-----  
Parent(s) / Guardian(s)

Parent(s) / Guardian (s) of \_\_\_\_\_

## Colorado Laws

### Laws Governing Student Data Privacy

#### Required Student Surveys Seeking Protected Information, codified at [C.R.S. 22-1-123](#)

Except as otherwise permitted by law, students shall not be required to submit to a survey, analysis, or evaluation related to curriculum or other school activities that is intended to reveal information, whether the information is personally identifiable or not, concerning the student or the student's parents/guardians, without written parental consent, that reveals information concerning:

1. political affiliations
2. mental or psychological problems potentially embarrassing to the student or the student's family
3. sex behavior or attitudes
4. illegal, anti-social, self-incriminating and demeaning behavior
5. critical appraisals of other individuals with whom the student has a close family relationship
6. legally recognized privileged or analogous relationships, such as those with lawyers, physicians and ministers
7. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)
8. religious practices, affiliations or beliefs of the student or the student's parents/ guardians

School personnel responsible for administering any such survey, analysis or evaluation shall give written notice at least two weeks in advance to the student's parent/ guardian or to the eligible student, if he/she is 18 years old or older. For purposes of this policy, such student 18 years or older shall be referred to as an "eligible student."

The notice shall offer to provide the following written information to the parent/guardian or eligible student upon request:

1. records or information that may be examined and required in the survey, analysis or evaluation;
2. the means by which the records or information shall be examined, reviewed, or disseminated;
3. the means by which the information is to be obtained;
4. the purposes for which the records or information is needed;
5. the entities or persons, regardless of affiliation, who will have access to the information; and
6. a method by which a parent/guardian can grant or deny permission to access or examine the records or information.

## Protection from Sexual Harrassment

Gender identity and gender expression are included in the definition of sexual orientation in CO, pursuant to the enactment of [HB21-1108](#) (the Gender Identity Expression Anti-discrimination Act).

## Transgender and Gender-Expansive Youth Bill of Rights

Youth have the right, *without* parent or guardian consent:

- To access contraceptives (birth control), STI testing and treatment, pregnancy tests, and other reproductive services ([C.R.S. 13-22-105](#) and [C.R.S. 25-4-409](#))
- To access abortion services (guardians are notified 48 hours prior to the appointment, but guardians do not have to consent) ([C.R.S. 13-22-702 through 705](#))
- To access their own mental health services starting at the age of 12 ([HB19-1120](#))
- To a certified mental health professional who will not seek to change identity or attempt conversion therapy ([HB19-1129](#))
- To use the bathrooms and locker rooms that align with their gender identity ([3CCR 708-1 Rule 81.11](#))
- To participate in school activities and sports that align with their gender identity ([Colorado High Schools Activities Association Transgender Policy](#))
- To be socially affirmed in self-expression, including using their names and pronouns ([3CCR 708-1 Rule 81.8](#))
- To clothing that aligns with their gender identity ([3CCR 708-1 Rule 81.10](#))
- To a foster parent trained in youth rights, including “fair and equal access to available services, placement, care, treatment, and benefits based on his or her treatment plan and not being subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group, national origin, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status” ([C.R.S. 19-7-101](#))

Youth have the right, *with* parent or guardian consent:

- To gender affirming healthcare (also requires a diagnosis of gender dysphoria)
- To get a haircut that affirms their gender identity (for minors in foster care, this requires guardian consent)
- To a legal name change
- To gender markers on legal documents that align with their identity

## Psychological Testing of Students K-12

### [C.R.S. 22-32-109](#) - Notice and Written Permission Required Before Behavioral Testing

School personnel shall not test or require a test for a child's behavior without prior written permission from the parents or guardians or the child (emancipated?) and prior written disclosure as to the disposition of the results or the testing therefrom.

*BUT*

### [C.R.S. 12-245-203.5](#) – Allows Mental Health Treatment to Minors 12 and Up Without Parental Consent

(2) Notwithstanding any other provision of law, a mental health professional described in subsection (1) of this section may provide psychotherapy services, as defined in section 12-245-202 (14)(a), to a minor who is twelve years of age or older, with or without the consent of the minor's parent or legal guardian, if the mental health professional determines that:

- (a) The minor is knowingly and voluntarily seeking such services; and
- (b) The provision of psychotherapy services is clinically indicated and necessary to the minor's well-being.

(3)(a) The mental health professional may notify the minor's parent or legal guardian of the psychotherapy services given or needed, with the minor's consent, unless notifying the parent or legal guardian would be inappropriate or detrimental to the minor's care and treatment.

## Right to Opt-Out of Sex Education Programming

Applies to K-12 public schools

### [C.R.S 22-1-128](#)

(3) a school district, board of cooperative services, charter school, or institute charter school that offers a planned curriculum that includes comprehensive human sexuality education shall provide to the parent or guardian of each student, prior to commencing the planned curriculum:

- (a) Written notification of the ability to excuse a student, without penalty or additional assignment, from that portion of the planned curriculum that includes comprehensive human sexuality education upon the written request of the student's parent or guardian; and
- (b) A detailed, substantive outline of the topics and materials to be presented in that portion of the planned curriculum related to comprehensive human sexuality education.

  
[C.R.S. 22-25-106](#)

(4)(a) Each local comprehensive health education program which is adopted by a school district or board of cooperative services shall include a procedure to exempt a student, upon request of the parent or guardian of such student, from a specific portion of the program on the grounds that it is contrary to the religious beliefs and teachings of the student or the student's parent or guardian.

(b) Any local school district or board of cooperative services which adopts a local comprehensive health education program shall ensure that at a minimum the following public information requirements are met:

(I) Written notification of such local comprehensive health education program shall be given to the parents or guardians of all students within such school district or board of cooperative services, including notification that a student is allowed an exemption which permits such a student, at the request of the parent or guardian of the student, to be excused from all or any part of the local comprehensive health education program; and

(II) The curriculum and materials to be used shall be made available for public inspection at reasonable times and reasonable hours and a public forum to receive public comment upon such curriculum and materials shall be held.

The Pledge of Allegiance[C.R.S. 22-1-106](#)

Each school district shall provide an opportunity each school day for willing students to recite the pledge of allegiance in public elementary and secondary educational institutions. Any person not wishing to participate in the recitation of the pledge of allegiance shall be exempt from reciting the pledge of allegiance and need not participate.

Teaching of Federal Constitution[C.R.S. 22-1-108](#)

In all public and private schools located within the state of Colorado, there shall be given regular courses of instruction in the constitution of the United States.

## Hot Topics

There have been a growing number of conversations happening online and in-person about gender identity and SEL (Social and Emotional Learning). Included in this toolkit are objective, non-partisan recaps of what these issues are, what they mean to the development of children, and suggestions on how to address concerns that parents may have.

### Gender Identity/Ideology

Gender identity is an ideology that has found its way into the teachings of a growing number of K-12 institutions. The following definition of “gender ideology” was penned by Colin Wright in the [Wall Street Journal](#):

*“Proponents of gender ideology have completely decoupled the terms “man,” “woman,” “boy” and “girl” from biological sex. Gender ideology teaches that the terms “man/boy” and “woman/girl”—and their corresponding “he/his” and “she/her” pronouns—refer to a person’s gender identity, while “male” and “female” refer to biological sex. While you may define a woman as a female human adult, gender ideology contends that a “woman” is an adult of either sex who simply “identifies” as a woman.*

*The clear message of gender ideology is that, if you’re a female who doesn’t “identify with” the social roles and stereotypes of femininity, then you’re not a woman; if you’re a male who similarly rejects the social roles and stereotypes of masculinity, then you’re not a man. Instead, you’re considered either transgender or nonbinary, and Planned Parenthood assures you that “there are medical treatments you can use to help your body better reflect who you are.” According to this line of thinking, certain personalities, behaviors and preferences are incompatible with certain types of anatomy.”*

If you wish to educate yourself further on gender identity, we highly recommend you peruse [Genspect](#) (genspect.org). Their tagline “a rational approach to gender” is commensurate with their compassionate perspective of the issues associated with gender identity. According to their website, Genspect strives for the following:

*We advocate for an evidence-based approach to gender distress, and we would like health care professionals to take the time and care to evaluate the low-evidence base for the current affirmative approach, looking more closely at the harms that medical treatment paths can cause. We recognize the high occurrence of comorbidities such as autism and ADHD among children and young people who are questioning their gender.*

*We want to see schools, colleges and higher education establishments hold neutral space for students as they explore their gender, sexual orientation and identity formation. We value supportive environments for students, so they feel neither encouraged nor discouraged to follow certain paths.*

*We would like to raise public awareness of the issues facing gender-questioning children and young people. We wish to help create a society that supports gender non-conformity — one which doesn't require the heavy burden of medical treatment. We acknowledge that gay, lesbian and bisexual youth are often gender non-conforming; rather than suppressing hormonal urges with medication, we support an approach that allows adolescents to explore their sexuality with freedom and acceptance.*

*Finally, in this fast-paced world, we advocate for a slower, more thoughtful approach to any difficulties that children and young people face.*

There are numerous resources on Genspect's website, including the following:

[Genspect Brief Guidance for Parents](#)

[Genspect Brief Guidance for Friends and Family](#)

[Genspect Brief Guidance for Social Transition](#) (includes guidance on pronouns and “stealth” transitions)

[Genspect Brief Guidance for Schools](#)

Many schools and teachers believe that they must play a vital role in assisting a student with transitioning to a different gender. While these efforts have good intentions, they can be harmful without the appropriate clinical oversight. Per Genspect:

*“While well-intentioned, affirming a student's gender identity or publicly celebrating a transgender student's courage are not neutral actions: they can unintentionally influence students' identity formation. Identity formation is an important psychosocial stage of development for young people between 12 and 25 years old.*

*The role of the school is to foster a tolerant and caring approach to all students and to ensure that there is no bullying or hostility towards any student. It is not the role of the school to influence identity formation. Social transition is a powerful psychotherapeutic intervention and so it should not be carried out without clinical supervision.”*

If you're curious as to whether your child(ren)'s school has embraced and promotes gender identity/ideology, here are a few ways to find out:

- Ask your child if their teacher asked them to share their 'preferred pronouns'. Using a child's 'preferred pronoun' is a means of socially transitioning a child, and the impact of using biologically incorrect pronouns is unknown. A child who desires to change genders often suffers from mental health issues, autism, internalized homophobia, or

trauma. Children need compassion and care to help understand their motivations and ensure that they do not come to harm

- Search the school district and school website for materials related to “gender support plan”. Gender Spectrum is a third-party entity that provides school districts with a [template](#) on how to support gender-questioning youth. It’s important to note whether a gender support plan assumes parental involvement. For example, the template from Gender Spectrum does not automatically assume that parents are involved
- Search the school district website for an Equity policy, and note whether “gender ideology” and/or “queer theory” have been added to the curricula

If you have concerns about the position your child(ren)’s teachers and/or school district have taken on the topic of gender identity/ideology, schedule a meeting with the appropriate personnel to share your concerns.

## SEL (Social Emotional Learning)

It’s no coincidence that the rise in prevalence of SEL programs in schools is commensurate with the decline of unstructured play. Primary schools are finding that they have to ‘teach’ their students how to regulate their emotions, navigate conflict, and set boundaries since children’s opportunities to learn these skills have diminished in our current environment of ‘helicopter’ parenting. We highly recommend that you read “The Coddling of the American Mind” to better understand the effects of today’s current style of parenting.

Traditional SEL programs appear to have yielded positive results. A [meta-analysis](#) of 213 school-based SEL programs demonstrates improved academic performance amongst students who participated in these programs. In his book “Emotional Intelligence: Why It Can Matter More Than IQ”, Daniel Goldman relays the effects of SEL programs:

*“The data show that SEL programs yielded a strong benefit in academic accomplishment, as demonstrated in achievement test results and grade-point averages. In participating schools, up to 50 percent of children showed improved achievement scores, and up to 38 percent improved their grade-point averages. SEL programs also made schools safer: incidents of misbehavior dropped by an average of 28 percent; suspensions by 44 percent; and other disciplinary actions by 27 percent. At the same time, attendance rates rose, while 63 percent of students demonstrated significantly more positive behavior. In the world of social science research, these are remarkable results for any program promoting behavioral change. SEL has delivered on its promise.”*

Over the last few years, traditional SEL programs have given way to “transformative” SEL which

promotes “justice-oriented civic engagement.” A blog post on Free Black Thought provides appropriate context on how and why SEL has shifted to a “transformative” model. We encourage you to read the post [here](#). The following paragraph from the blog post encapsulates the essence of what is transpiring in many school districts:

*“Shifts in philosophies and practices are to be expected in institutions and are, of course, part of how the individual human mind adapts to changing circumstances. But we believe that this particular shift is different. The underlying principle of this shift is that “the individual” is the root of social problems. Guided by this principle, Transformative SEL negatively affects individual and collective social and emotional wellbeing. The shift thus warrants pause and reconsideration because, ultimately, individual sovereignty is at stake. Furthermore, pause and reconsideration are required because students’ (and educators’) social-emotional needs are simply not being met under the new, Critical Social Justice-inspired philosophy and practice.”*

Parents Defending Education hosted a webinar in early 2022 to discuss how transformative SEL programs may be impacting the culture of a school. You can view the webinar [here](#).

If you’re curious as to whether your child(ren)’s school has embraced and promotes “transformative” SEL, here are a few ways to find out:

- Request information from school administrators (Principal, Assistant Principal) regarding the SEL program. Questions to ask include:
  - What SEL program has been implemented?
  - What are the purpose and goal of the SEL program?
  - Are surveys disseminated to students to collect information? If “yes”, request a copy of the survey
  - What professional development programs support the school’s SEL efforts?
- Request a meeting with your child(ren)’s school counselor and ask about the school’s SEL program. Questions to ask include:
  - What training are teachers receiving?
  - What activities will students participate in to promote SEL?
  - How do parents support SEL efforts?
- When asking your student how their day at school was, consider the following questions:
  - Were you asked to share personal information in front of your peers that made you feel uneasy?
  - Did you do group work or exercises? If so, how were the groups determined?
  - Did the teacher or counselor lead a discussion about social injustices? Are you being told that you and your peers have a responsibility to change our society?

Once you've received more information from school personnel about the SEL program - and heard first-hand accounts from your child(ren) - here are a few red flags to look for that should prompt further discussion with teachers and administrators.

### Red Flags

! If children are surveyed on their emotional well-being and emotional competency, it's probable that the school will feel compelled to solve for emotional deficiencies. Teachers and counselors are rarely trained to facilitate psychotherapy sessions, and stepping into a realm of "therapeutic education" has inherent risks as outlined in an essay titled [The Unexamined Rise of Therapeutic Education](#).

"... the rise of therapeutic education both reflects and reinforces the concept of a 'diminished self'. Its increasing dominance 'reflects deeper cultural disillusionment with ideas about human potential, resilience and capacity for autonomy.'"

! Placing children into groups based on immutable characteristics such as skin color and sexual orientation trivializes each individual and reinforces stereotypes. Prioritizing group identity can lead to an "us versus them" mentality and lead to prejudice and discrimination.

! SEL programs that position themselves as 'culturally responsive' or 'transformative' warrant further investigation. These programs are known to promote social justice activism, which is counter to the role of a school focusing on academics. The school should not play a role in developing social or political activists.

! "Privilege Walks" are becoming popular in many school districts. The activity inculcates the idea that certain immutable characteristics such as skin color or sexuality determine a person's status, whether privileged or victim. This exercise brings about feelings of shame, which can lead to anxiety and depressive disorders.



## Resources

[Manhattan Institute | A Toolkit for Concerned Parents](#)

[Southeastern Legal Foundation | Your Child's Rights](#)

[America First Policy Institute | Advocating for Quality Curriculum](#)

[Moms for America | A Mom's Guide to Parental Rights](#)

[FAIR | Step-by-Step Guide for Parents](#)

[Anonymous Parent | Guide to Transgender Teens](#)

Curriculum Alternatives

[FAIR | FAIRstory Curriculum](#)

[Woodson Center | 1776 United Curriculum](#)