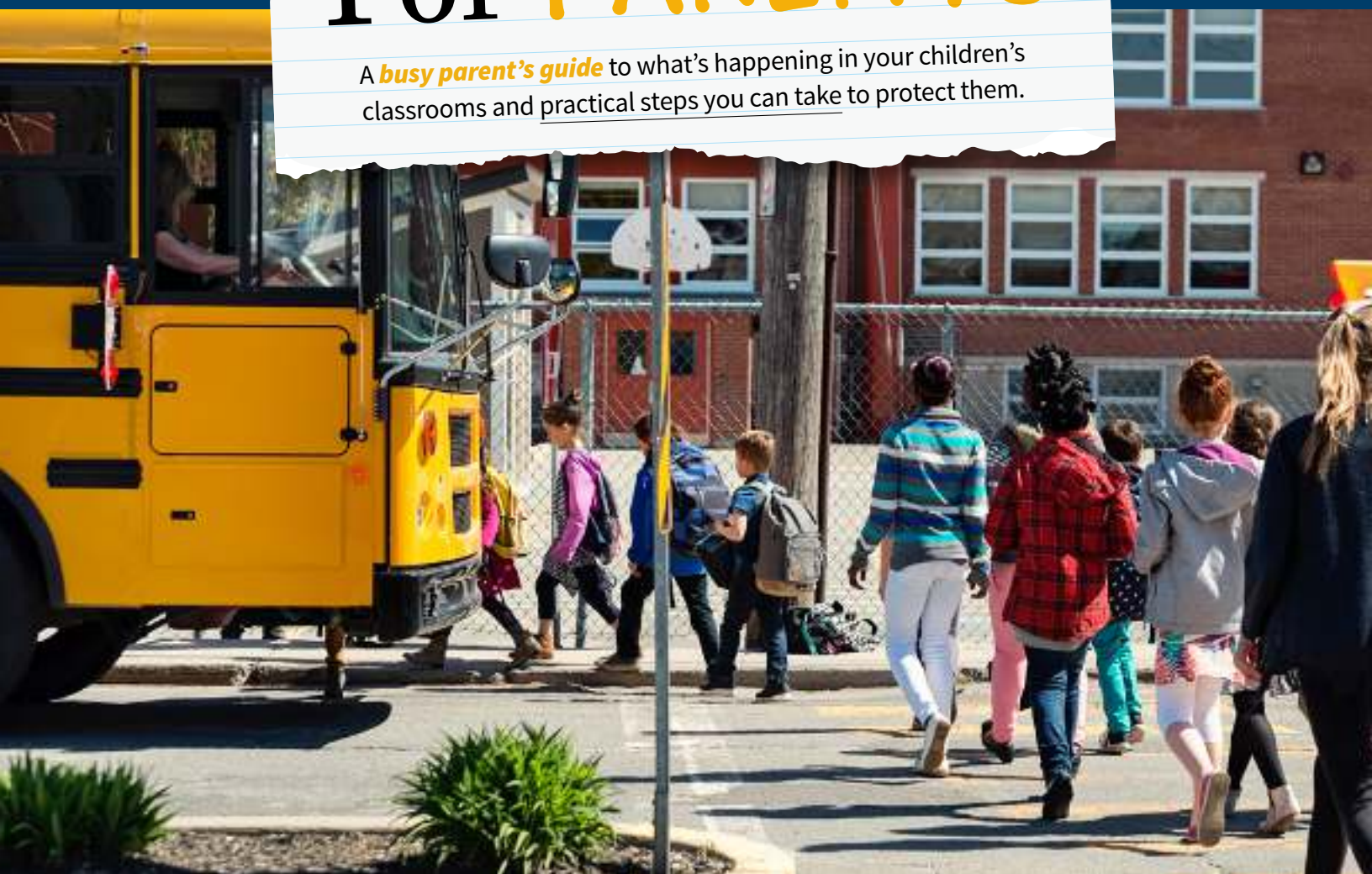


BACK TO SCHOOL

For PARENTS

A **busy parent's guide** to what's happening in your children's classrooms and practical steps you can take to protect them.





“Given how pervasive socialist ideologies and online technology have become in our culture and public institutions, it has never been harder for parents to know our rights, and to properly educate and protect our children. As a pediatrician and mother of four adolescents, I can authoritatively say that Back to School —for Parents is the most important book a parent will ever read. Download one for yourself, and for each of your family members and friends who cherish their kids!”

MICHELLE CRETELLA, MD

Executive Director, American College of Pediatricians



AMERICAN
PRINCIPLES PROJECT

“Left-wing activists have completely infiltrated our schools and are doing everything they can to indoctrinate our kids into their dangerous ideology. We have to stop them. Kudos to the Family Policy Alliance and Focus on the Family for developing this wonderful educational guide to help parents protect their children.”

TERRY SCHILLING

Executive Director, American Principles Project



“Concerned Women for America stands with Family Policy Alliance and Focus on the Family on the front lines of these challenging cultural issues. It is critical that parents be equipped with the information they need to understand and confront the gender ideology being promoted through our schools. CWA commends Back to School—for Parents as an invaluable resource to educate and engage families and policymakers in your community.”

DOREEN DENNY

Vice President of Government Relations, Concerned Women for America



“Today, more than ever, Christian parents with children in public schools need to be involved. The Back to School—for Parents guide is a valuable, and much-needed, resource for every parent! It gives practical advice on how to advocate for children regarding a variety of crucial issues.”

ERIC BUEHRER

President, Gateways to Better Education



UNLEASHING CITIZENSHIP

WORTHY OF THE GOSPEL OF CHRIST

Family Policy Alliance is prayerfully working towards a nation where God is honored, religious freedom flourishes, families thrive and life is cherished.

LEARN MORE AT

FamilyPolicyAlliance.com



"The people who know their God shall stand firm and take action." — Daniel 11:32b, ESV

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Help Your Kids Defend Their Faith



Are you interested in helping your kids live out a strong Christian faith that lasts? Focus on the Family has been helping parents raise their children according to biblical principles for more than 40 years! Through resources like our daily broadcast, the FocusOnTheFamily.com website, the Family Help Center and more, we come alongside you to equip and encourage you in the difficult task of parenting.

Sign up for our FREE "Raising Your Kids To Defend Their Faith" video series to help you get started in teaching your kids the fundamentals of Christianity so they can understand their faith, explain it and defend it.

FocusOnTheFamily.com/FPADefend

Introduction

You’ve heard the news stories about what’s happening in public schools — and you’re deeply concerned. Or maybe you’re aware of troubling incidents like these in your own school or community:

- **A mom discovers** her eighth grade son was “exposed to pornographic material on a school-issued portable computer while riding a school bus.”¹
- **A historian reports** that one of the best-selling high school textbooks has misled three generations of students “into thinking that the United States is fundamentally corrupt, and that the world is often worse off because America exists.”²
- **An elementary school teacher tells** a ten-year-old girl that she can’t write about God for a school assignment.³

How would you respond if you discovered your school clinic was dispensing contraceptives to your child — without informing parents? Or if a boy took a spot on your daughter’s high school soccer team because he felt like a girl? Or if you found out your six-year-old child’s teacher is reading books about gender-confused children to the whole classroom?

We’re concerned too. We read the news and receive numerous phone calls, emails, and letters from parents, grandparents, family members, and church leaders. They tell us what’s happening at their children’s schools and ask for help responding.



That's why we've written *Back to School – For Parents*. Each section covers different topics, such as how to protect your child from inappropriate or biased material in the classroom, what to do when you find offensive or explicit books in your school library, and how to guard your child's safety in school restrooms and locker rooms.

Some individuals and groups have a political or social agenda for children and schools — one that may not be in line with your beliefs and values.



Each part explains what's happening in schools with a specific issue, why parents are concerned, and what you can do to protect your child. We help you understand your rights and your children's rights and explain important state and federal laws. We're not offering legal advice, but simply describing the legal landscape today — something that can change quickly because of school board decisions, legislative actions, or court rulings. By becoming more aware of the law, you are better equipped to protect your child.

For every topic discussed, we offer suggestions about how to respectfully advocate on behalf of your child, give guidance for how to talk with children about sensitive and difficult subjects, and provide links to helpful articles and resources.

The appendices have additional helpful tools, such as talking points and sample letters to schools and legislators.

You might read the whole resource at once so that you're prepared and on the alert for the wide variety of problematic areas in public schools. Or, you might just read a section when it becomes necessary, such as when you learn your school is allowing boys in girls sports or when you hear a religious club has been told it can't meet on campus anymore.

Please be aware that some of the incidents described are disturbing. And the cumulative effect of reading about all these public education issues can be very troubling. Our intent in relating these actual incidents is so that parents can be well informed and take steps now to prevent problems. We also want you to have helpful tools and language so that you can address current problems in a reasonable, respectful manner.

We believe most teachers and school officials do good work and have the best interest of children at heart, so we know how important it is for parents to have good working relationships with school staff and keep communication as open as possible.

But we also know that some individuals and groups have a political or social agenda for children and schools — one that may not be in line with your beliefs and values. We trust *Back to School – For Parents* provides information and ideas to protect children and make schools safer for all children.

Finally, we are grateful for concerned parents, family members, church leaders, and citizens like you — working to safeguard your children and other children in the community.

— Family Policy Alliance and Focus on the Family

1 https://myferndalenews.com/report-students-viewing-porn-school-issued-computers-creates-concern_52074/

2 <https://www.trueamericanhistory.us/pageant/>

3 <https://wreg.com/news/mother-angry-daughter-wasnt-allowed-to-write-about-god/>



Protecting **YOUR** Child

WHO HAS EDUCATIONAL AUTHORITY?

In this section...

- 6** Parents' Educational Authority
- 6** Government Educational Authority
- 8** Parental Authority + Government Authority in Education
- 9** Advocacy Recommendations in this Parent Education Resource



“All I am I owe to my mother. I attribute all my success in life to the moral, intellectual and physical education that I received from her.”

GEORGE WASHINGTON

Parents' Educational Authority

Parents have the right to direct the educational upbringing of their children. This flows naturally from a parent's fundamental right to parent — to provide for the care, nurturing, and moral and religious upbringing of their children. This right has been recognized by the Supreme Court. It is deeply embedded in the foundations of our nation that children are given to their parents to be known and protected by them, *without* unreasonable state interference.

Three famous Supreme Court cases affirm that parents have the right and duty to provide for the education of their children, in line with their family's moral and religious beliefs and *without* "unreasonable" interference from the state.

In 1923, the Supreme Court wrote the opinion for ***Meyers v. Nebraska***.¹ Meyers explained every family has the right to "acquire useful knowledge" and found included in a family's constitutional right to privacy was the right to educate their children. *Meyers* also prohibited states from passing laws that "unreasonably interfered" with a parent's right to direct the educational upbringing of their child.

The second case, ***Pierce v. Society of Sisters***, famously declared, "The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."²

Finally, ***Wisconsin v. Yoder*** reiterated a parent's right to direct the education of their children through homeschooling or even vocational work. *Yoder* recognized that parents could take their children out of public school *before* age 16 to engage in vocational work, which the Court declared was also a type of education.³

Government Educational Authority

The U.S. Constitution doesn't include a right to education, but every single state recognizes in its own state constitution it has a duty to provide public education and every child has the right to be educated. This is why every state has mandatory education laws until the age of 16. The Supreme Court of the United States has also declared that states have this constitutional right to require that every citizen must be educated until age 16 (with few exceptions) and also offer a chance to be publicly educated.

State legislatures get their authority to set up educational systems through their state constitution and state law. Your state is indisputably in charge when it comes to educational policy.

School boards get their authority from state legislatures and are a special extension of state government. The state board

or department of education also gets its authority from the state legislature and is often empowered to make regulations for all schools in the state.

The **federal government** provides education dollars to states or directly to local school boards through a variety of programs. Some federal educational programs you may be very familiar with are *No Child Left Behind* and *Common Core*, where the federal government has offered significant education grants to states if they agree to be held by these federal curriculum standards and guidelines.

The federal government also provides education dollars to states or directly to local school boards for low-income youth; homeless youth; youth with disabilities; preschool programs; special education services; the youth of migrant



families; the youth of rural families; youth who do not speak English; science, technology, engineering and mathematics programs (STEM); and so much more. All these federal dollars come with federal regulations that schools must follow to receive and keep the grants.⁴

Generally, though, the federal government simply *supports* the primary authority of states and monitors state schools to make sure they comply with constitutional law (e.g., schools are not discriminating or abusing their authority). If local school boards or state governments are taking federal dollars (as every single state does), then that state or school is subject to federal law and standards, in addition to state law and standards.

Today, even state governments are not involved in the day-to-day management of schools and instead delegate much of this authority to local school boards. They do, however, create policies and requirements through state departments of education, which often oversee the activities of local school boards.

Local school boards are considered special forms of government that are permitted to govern local schools. Local school boards choose curriculums, establish teacher hiring criteria, set student achievement standards, write bathroom policies, select books for libraries, choose research databases for students, contract with other districts for school choice transfers, and more.

When you send your child to a public school, you are giving the school authority to act as a temporary guardian for your child, taking on decision making, responsibility, and custody.



Parental Authority + Government Authority in Education

The fundamental authority of parents is so powerful, courts have had to create a constitutional doctrine that would give schools authority to make choices on behalf of students when parents are not present. This doctrine is called *in loco parentis*, which is a Latin phrase meaning “in the place of a parent.”

When you send your child to a public school, you are giving the school authority to act as a temporary guardian for your child, taking on decision making, responsibility, and custody. This gives schools a lot of power over the education of your child.

As you read *Back to School – for Parents*, you can see this authority sometimes clashes with or even contradicts the rights of parents, particularly when the moral direction of the school contradicts that of your family. For example, *in locos parentis* is how some schools can make curriculum content a graduation requirement and prohibit parents from opting out, even if the curriculum is controversial.

While schools have broad authority, they *cannot* infringe upon the basic constitutional rights of parents or children for any reason. For example, schools can limit, but not prohibit, your child’s right to free speech and free exercise of religion. The school can’t require your child to complete a homework assignment where they are forced to speak or write things they disagree with or that contradict their religious beliefs, but it can prohibit your children from speaking words or phrases the school finds offensive.

Schools must also respect the basic privacy, safety, and dignity rights of students and parents. For example, the school must provide private spaces for girls and boys to change and use the bathroom, but parents cannot necessarily dictate how those private spaces will be laid out (e.g., stall doors versus curtains).

Keep in mind, you *do* have the absolute fundamental right to direct the education of your child. But sending your child to public school is considered a choice. If a school isn’t violating the fundamental rights of your child, schools have broad

discretion in what they can do, because parents always have the “option” to leave (no matter how impractical this option might be).

All this to say, when you send your child to public school, you are giving up a lot of parental authority. The same is technically true when parents send their child to private school. Yet parents have much more say in what kind of private school their child will attend and have more power to choose a private school that is in line with their beliefs.



That being said, **private schools** are *not* governed or managed by the state government. They generally are not funded by the state *or* federal government and therefore are *not* subject to many public education guidelines or standards. Private schools have *more* authority over your child than even a public school. A private school also does *not* have an obligation to honor the constitutional rights of students and parents in the same way as public schools. For example, a private school can engage in harsher disciplinary measures, or a private Jewish day-school, for example, can decline admittance to an evangelical Christian student. These are actions that would be ruled unconstitutional for public schools but are perfectly acceptable for private schools.

BE YOUR CHILD'S CHAMPION

Advocacy Recommendations in this Parent Education Resource

As far as public schools are concerned, this guide is intended to help you understand the most controversial issues your child might be facing in schools and explain your rights and your child's.

This guide provides practical suggestions for how you can protect your family's religious and moral beliefs while on school grounds. This guide will give you tips on *who* you should talk to, who has the *authority* to make certain decisions regarding these issues, *what* laws protect your *position* in schools, *how* you can advocate for your child and work to change policies, and more. Each section will help highlight your rights and compare them to the rights of the school and help you navigate the best ways to protect your child.

Because of the primary role of local school boards, many of the advocacy recommendations you will find in this guide encourage you to speak to your local school board members and testify at local school board meetings on issues that concern you.⁵ This is because it is often the local school boards that have the power to make the necessary changes.

However, in some cases, school boards may simply be following state education guidelines and approved curriculum standards from the state department of education. In these situations, your advocacy may be directed to the *state* board of education.



The state legislature determines graduation requirements, including subjects needed to graduate in schools, such as controversial sex education. The state legislature also designates funding amounts for schools and writes laws regarding school choice. In these cases, your advocacy will take place at the legislative level and be directed at state representatives and senators. Such advocacy could involve writing letters or emails, making phone calls, rallying other parents, gathering signatures for petitions or ballot measures, or even testifying in committee hearings.

Finally, there are times when targeting your advocacy toward your *federal* representatives — senators and representatives — can be beneficial. Other times, contacting a federal department, like the federal Department of Education or the Department of Justice, would be best.

We've included suggestions for whom to target, when working to protect your child, in the different sections of this guide.

Speak to your local school board members and testify at local school board meetings on issues that concern you.



Notes

- 1 *Meyers v. Nebraska*, 262 U.S. 390 (1923). Although the Constitution does not mention education, our Court has a history of ruling that the Constitution guarantees a right to *privacy*. The *Meyers* Court explained this right to privacy *includes* the right “to engage in any of the common occupations of life, to *acquire useful knowledge*. . . to establish a home and bring up children” (emphasis added). *Meyers* was the first case to suggest a family’s private constitutional rights included one of educating their children.
- 2 *Pierce v. Society of Sisters*, 268 U.S. 510, at 535 (1925). This case also held that states have the right to require schooling of children until age 16.
- 3 *Wisconsin v. Yoder*, 406 U.S. 205 (1972). The *Yoder* Court excused an Amish community from compulsory education laws, writing that requiring a student to attend a public school “with teachers who are not of the Amish faith—and may even be hostile to it—interposes a serious barrier to the integration of the Amish child into the Amish religious community.” The *Yoder* Court also recognized parents had the right to educate their children through *doing*, such as engaging in farming at the age 14, instead of attending public school.
- 4 Department of Education, *Fiscal Years 2019-2021 State Tables for U.S. Department of Education* (June 7, 2020) available at <https://www2.ed.gov/about/overview/budget/statetables/index.html>.
- 5 See e.g., Alison Singh Gee, *5 steps to working with your school board (and why you should)*,– (June 12, 2009) available at <https://www.greatschools.org/gk/articles/taking-it-to-the-school-board/>.

Protecting **YOUR** Child

IN THE CLASSROOM

Comprehensive Sex Education, LGBT Curriculum and Liberal Bias in the Classroom

In this section...

- 12** What's Happening In The Schools
- 14** Why You Should Be Concerned
- 16** Things To Look Out For
- 23** Know The Facts
- 24** Know The Law
- 25** Know Your Rights
- 26** Know Your Child's Rights
- 27** Ways To Protect Your Child
- 28** Talk To Your Child



"I began reading all these lessons for children as young as five that talked about sexual intercourse, how their private organs worked, and even introduced pornography to really young children."¹

CONCERNED MOTHER IN WASHINGTON STATE

What's **HAPPENING** at School

Comprehensive Sex Education

Comprehensive Sex Education (CSE) is a radical “rights-based” sexuality curriculum that is being taught in many public schools, *replacing* the facts-based sex education of the past. Basic sex education previously promoted abstinence with a focus on biology, pregnancy, and sexually transmitted disease/infection (STD/I) prevention. Today, well-funded activist non-government organizations, like Planned Parenthood, the Sexuality Information and Education Council of the US (SIECUS), and Advocates for Youth, are forcing an extremist social and political ideology into our children’s classrooms under the “comprehensive sex education” banner. It may be a surprise for many parents to learn Planned Parenthood is actually one of the largest writers and distributors of sex education curriculum in the world—a curriculum framework that teaches every child, of *any* age, has sexual rights, including the right to experience sexual pleasure, no matter what, as long as there is “consent.”

CSE curriculum is written and taught based on the faulty assumption that *every* student is not only thinking about sex but is going to have it, sooner rather than later. In reality, the *majority* of American teens are *choosing* abstinence.² With this faulty assumption, these explicit materials are focused *not* on teaching children how to abstain from sex and reduce negative health risks but teaching children how to practice “safe” sex, while even providing tips on maximizing pleasure. These curriculums also teach students about all FDA-approved *contraception*, including drugs that cause abortions (known as abortifacients). In addition, CSE “objectively” teaches pregnancy outcomes, namely abortion.

Healthy sex education curriculum places the physical and mental health of our children first by promoting or at least stressing the long-lasting benefits of abstinence in the teen

Excerpts from Planned Parenthood materials show what is being taught:

*These materials are in
many classrooms across
the United States.*

Grade 6: Lesson 1 STI RISK BEHAVIORS ANSWER KEY		
HIGH RISK for STIs	LOW RISK for STIs	NO RISK for STIs
Unprotected vaginal sex	Vaginal sex using a male or female condom correctly	Nothing together
Unprotected anal sex	Anal sex using a condom correctly	Blowing on the lips
Unprotected oral sex	Oral sex using a latex barrier or cut-open condom correctly	Sexual stimulation
		Wet kissing
		Abstaining from sexual activity

Sex is always a good decision . . .

“Rights, Respect, Responsibility” Grade 6 Curriculum

people’s rights and freedoms. Any limitation on sexual rights must be non-discriminatory, including on the grounds of age.

What does this right entitle young people to?

- Recognition, protection and fulfilment of young people’s legal rights at all times, no matter their age, gender or sexual orientation.

no matter what age the child . . .

Planned Parenthood’s “Exclaim!” Pamphlet (p. 21)

years. It does not come from a “sexual rights” perspective but a health perspective. Most importantly, it is not driven by multimillion-dollar organizations that put profits before people. Healthy sex education is driven by parent

communities who know what’s best for their children and have the power to define the limits of “safe,” “healthy,” and “age-appropriate” for their children.



LGBT Curriculum Mandates

Some states are passing laws that require schools incorporate the contributions and experiences of lesbian, gay, bisexual, and transgender individuals into lessons across many different subject areas, usually history, civics, and government classes. California, Colorado, Illinois, Maryland, New Jersey, and Oregon mandate LGBT content be included in certain classes and student textbooks. This means LGBT content is no longer limited to sex education and health classes, but is being shoe-horned into a variety of subject areas where it has little relevance.

Many parents might question what LGBT identity has to do with scientific discovery or mathematic innovation. There is little to no connection, other than a radical sexual ideology being imposed upon our children through *all* subject areas — from kindergarten through 12th grade. Not only do these laws thoroughly ensure the indoctrination of our children into identity politics, but they also censor speech in textbooks and classrooms. For example, California’s LGBT law actively censors speech by prohibiting textbook content that “reflects adversely” on the LGBT community.³ The California law also bans content “that promotes a

In Colorado, parents from Boulder Valley School District filed a complaint after first graders at Superior Elementary School watched a YouTube video in class. Titled “He, She, and They?!?”, the video is produced by a group called “Queer Kid Stuff.” The students also attended a musical presentation, “Raven’s True Self,” presented by “Phoenix, Colorado’s Transgender Choir,” about a transgender-identified bird.⁵

discriminatory bias on the basis of” LGBT identity. For example, this law can and does prohibit material that is as simple and factual as informing students about the exponentially higher suicide rate of transgender individuals who have medically transitioned.³⁴ The largest concern with these laws is there is no opt-out for LGBT-focused curriculum. Parents are unable to opt their child out of this teaching because the material is covered in multiple content areas (not just in sex education) and is considered academically necessary by school administrations.

Young people living with HIV have the right to decide if, when, and how to disclose their HIV status

Sharing your HIV status is called disclosure. Your decision about whether to disclose may change with different people and situations. You have the right to decide if, when, and how to disclose your HIV status.

decisions you might make about sex and safer sex. If you want to have sex and think you might get drunk or high, plan ahead by bringing condoms and lube or putting them close to where you usually have sex. That way you won’t forget them in the heat of the moment. Your partner must be able to freely

an international level.

- Removal of laws that require parental, spousal or guardian consent that discriminate against young people based on age or gender and prevent young people from accessing sexual and reproductive health services.
- Liberalisation of abortion legislation to allow all young women to access safe

no matter how risky . . .

Planned Parenthood’s “Healthy, Happy, Hot” (p. 3)

no matter how impaired the child . . .

Planned Parenthood’s “Healthy, Happy, Hot” (p. 11)

and all without parental involvement!

Planned Parenthood’s “Exclaim!” Pamphlet (p. 17)

Liberal Bias in the Classroom?

The common theme in some of the most controversial material appearing in our children's classrooms is that it is content promoted mainly by a *liberal* political agenda that expresses hostility against Christianity, basic moral principles, and conservatism. Parents who are religious, have a traditional sexual ethic, or are politically conservative are complaining about classroom lesson plans that teach Christianity is a myth or their moral beliefs on sexuality are bigoted. Some classroom textbooks and supplemental materials portray a distorted view of U.S. history — or even promote Marxist ideology.

In multiple news accounts, teachers have been reported: making pinatas of President Trump, bringing in radical leftist

protestors without a balancing perspective, watering down the murderous history of communism, downplaying the significant ideological differences that drove the Cold War, and much more.⁶ In addition, there is a very palpable “social justice warrior bent” inside our children's classrooms that teaches children to embrace the idea that there are only two classes of people, the oppressed and the oppressor — such as the wealthy vs. the poor or female vs. male. No matter one's political or social ideology, it is the job of the *public* education system to present political and social ideas in a fair and unbiased manner with a balanced approach to both sides of an issue. After all, the job of the public education system is to partner with parents to educate our children, not indoctrinate them.

Why Should I Be Concerned?

There are countless reasons parents should be concerned about radical and biased content in the classroom.

Comprehensive Sex Education (CSE) teaches our children radical and controversial ideas that many families object to, often uses explicit and graphic language and illustrations, and leads to increased sexual activity and other adverse mental and physical health outcomes for our children. CSE, as a whole, is not based in science but radical social ideology, turning traditional notions of monogamy, marriage, committed relationships, and abstinence on their heads. To read more details, see Appendix B on page 106.

LGBT Curriculum encourages revisionist history and leans dangerously close to teaching our children they are nothing more than the sum of their sexual desires. These laws require publishing companies and textbook authors to determine the sexual preferences and gender identity of historical figures, out of historical context, with little relevance to their significant historical contributions. LGBT Curriculum mandates require that LGBT-identifying individuals are highlighted in classrooms and textbooks based solely on that individual's sexual attraction, behavior

or identity, which signals to our children that sexual identity is one of the more important factors for making meaningful contributions to society.

In addition, elementary students do not need to learn about the sexual attractions or identities of historical and political figures. These lessons are not age-appropriate and force confusing and complicated discussions based on gender and sexuality in their classrooms.

Finally, these laws promote the special and privileged characteristics of one class of people over another. For example, these laws do not also require other important aspects of individuals to be taught, like marital status or religious identity. Sexual-identity curriculum requirements say a lot to our children about what is a “morally correct” perspective to have on sexual-identity, which may be against their family's values and do not add *any* relevant, *factual*, academic discourse to classroom discussions. [See *Parental Authority Section*].

Liberal Bias in the Classroom

Teaching one philosophy or social ideology to public school students is indoctrination, not education. What parents see across the nation in Comprehensive Sex Education, LGBT Curriculum mandates and more is liberal bias in the classrooms. This bias is especially stark when discussing comprehensive sex education and LGBT Curriculum mandates that are driven by radical liberal ideology. The ideology teaches that people are defined by their sexual attractions and desires and anyone who disagrees with these radical sexual ideologies is a bigoted oppressor.

Yet the liberal bias is far more invasive and wide-spread than the sexual-identity agenda alone. Liberal bias is also not just *for* radical social ideology but is also *anti*-Christian and *anti*-conservative.

Parents have complained about their children's history textbooks teaching Christianity as a myth, but not saying the same of Islam. One parent reported to us an

illustration in her child's history textbook where Muhammed teaches Jesus and Buddha, and *many* parents have complained about textbooks teaching their children the tenets of Islam *in depth* but hardly mentioning Christianity or Judaism.⁷ Students all over the United States have reported being marked down on their homework for discussing their faith or religion, or citing the Bible.

One liberal teacher, who won his state's teacher of the year award, proudly announced his attempts to teach 13-year-olds "we are all racists" and that they [his students] had "spen[t] their entire lives as products and contributors in a racist system, as carriers of implicit bias, as consumers of a supremacist culture."⁸ Many parents would likely be shocked their children are being accused and indoctrinated into how racist they and their parents are, a perspective unquestionably inappropriate for a public school teacher to force onto children.

A California social studies *curriculum* labeled President Trump as a "racist and sexist man" who became president "by pandering to a huge racist and sexist base." Students were asked to create a poster addressing Trump supporters and Clinton supporters. Yet they were only asked for the Trump poster to discuss, "How we will not engage in dehumanizing those who dehumanize us."⁹ Another school brought in Occupy Wall Street protestors barraging the military and police officers without presenting an opposing viewpoint.¹⁰

Liberal bias in the classroom trends toward extreme social perspectives, not based in fact, that are wildly subjective and political. *If* taught, these ideas should be presented fairly and neutrally, where students are exposed to different sides of an argument or idea. Instead, our children are being indoctrinated into contentious and debatable perspectives with no room to disagree.



A Minnesota school district changed its stated goals from the pursuit of academic excellence to a quest for "equity and cultural competence." Math and reading scores have dropped significantly as a result of this shift. Among other resources, an elementary school in the district promoted an alphabet book, for young children, called A Is for Activist. The publisher describes the book as an ABC board book "for the next generation of progressives: families who want their kids to grow up in a space that is unapologetic about activism, environmental justice, civil rights, LGBTQ rights, and everything else that activists believe in and fight for."¹¹

! BE AWARE

How Do I Recognize Comprehensive Sex Ed in the Classroom?

Not all CSE curriculums will go by this name. Here are specific examples of content to be aware of that may indicate your school is teaching radical comprehensive sex education.

! Teaches Abortion: Often these programs require or permit the teaching of *abortion* as a “natural pregnancy outcome.” States like Colorado and California require teachers to teach abortion as morally equivalent to other pregnancy outcomes like adoption.¹² If a teacher teaches adoption or abstinence, that teacher

abortion-driven agenda. Some states will even pass out specific information about where a child can get an abortion and how the state government can pay for the expenses. Some states *do prohibit* schools from providing abortion referrals, including **Arkansas, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Oklahoma, and South Carolina.**



EXAMPLE: This lesson snapshot teaches students about abortifacients, (emergency contraceptives that can cause abortions like Plan B and Ella) and even directs students where they can find them providing a phone number (“*Rights, Respect, Responsibility*” High School Lesson 7: Know Your Options / Middle School Lessons 1: Birth Control Basics)

must also teach abortion and not emphasize any choice as ethically good or better. Only three states legally mandate teaching pregnancy outcomes (CA, NJ, VT), but many schools are already teaching our children about abortion. Many schools even allow Planned Parenthood instructors to come into the classroom and teach sex education and push their

! Teaches Contraception & Potentially Promotes

Abortifacients: Twenty states plus D.C. require students are taught about contraception. Many of the states require the list of FDA-approved contraceptives be taught, which includes abortifacient (day-after) pills like Plan B and Ella.¹³ These states are **Alabama, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, New Jersey, New Mexico, North Carolina, Oregon, Rhode Island, South Carolina, Texas, Vermont, Virginia, Washington and D.C.**

! Teaches LGBT Sexual Experiences:

Many CSE curriculums will require the teaching of “culturally sensitive” or “culturally appropriate” content. This is code language for requiring the curriculum to teach the experiences of lesbian, gay, bisexual, and transgender individuals and more. One of the more controversial aspects of CSE is these lessons often include graphic and explicit discussions of sexual positions and promotions (and descriptions) of oral and anal sex to accommodate these groups.

One curriculum for fourth graders discusses sexual attraction and portrays homosexuality and bisexuality as safe, healthy, normal, and desirable parts of a relationship.

In truth, it is the sole right of *parents* to define the boundaries of safe, healthy, and normal for their child, with consideration for their own sincere religious and moral beliefs. It is certainly not the right of the state to do so. Nine states require sex education to include LGBT experiences. These states are **California, Colorado, Iowa, Massachusetts, New Jersey, Oregon, Rhode Island, Tennessee and Washington.**

Prohibits Teaching or Stressing Conventional Ideas of Sex,

Abstinence, and Gender Identity: Often CSE stresses children have “healthy” attitudes and behaviors regarding gender and sexual orientation. Colorado’s law requires that the CSE curriculum must not use “shame-based or stigmatizing language,” “employ gender stereotypes,” or exclude teaching on the experiences of LGBT individuals.¹⁴ This law specifically targets sincere beliefs and values about gender identity and sexual relationships (e.g., abstinence, opposite-sex monogamy), marginalizing them as hateful

views that should not be taught in the classroom and should be censored from the mouths of teachers.

Prohibits Stressing Abstinence:

More current CSE laws such as those in Colorado and Washington prohibit abstinence-only sex education from being taught or even stressed! Most parents actually *want* their children to practice abstinence. In fact, the nation’s abstinence trend has been increasing, meaning the majority of teens are choosing to wait.¹⁵

Requires Sex Education for Elementary Students:

Some states like Washington require even kindergarteners to be taught basic “sex education.”¹⁶ This includes teaching impressionable elementary school students that “biological sex” is a social construct and they may have been “born in the wrong body” with popular and colorful graphics like the “gender unicorn” or “genderbread” man. (See next page for examples)

Sex Education Words We DON’T Like (Red Flagged Words):

The phrase “comprehensive sex education” isn’t always used by schools, school districts or legislators. Usually, the following terms will pop up in the law or curriculum guidelines, raising red flags that you might need to take additional steps to protect your child. While some of these phrases may seem harmless or even like a good thing, liberal activists have found new and twisted ways to reinterpret the definitions of some of these innocuous phrases. If you see all or most of these phrases in your curriculum guidelines, you’re almost certainly dealing with Comprehensive Sex Education.



Age-Appropriate

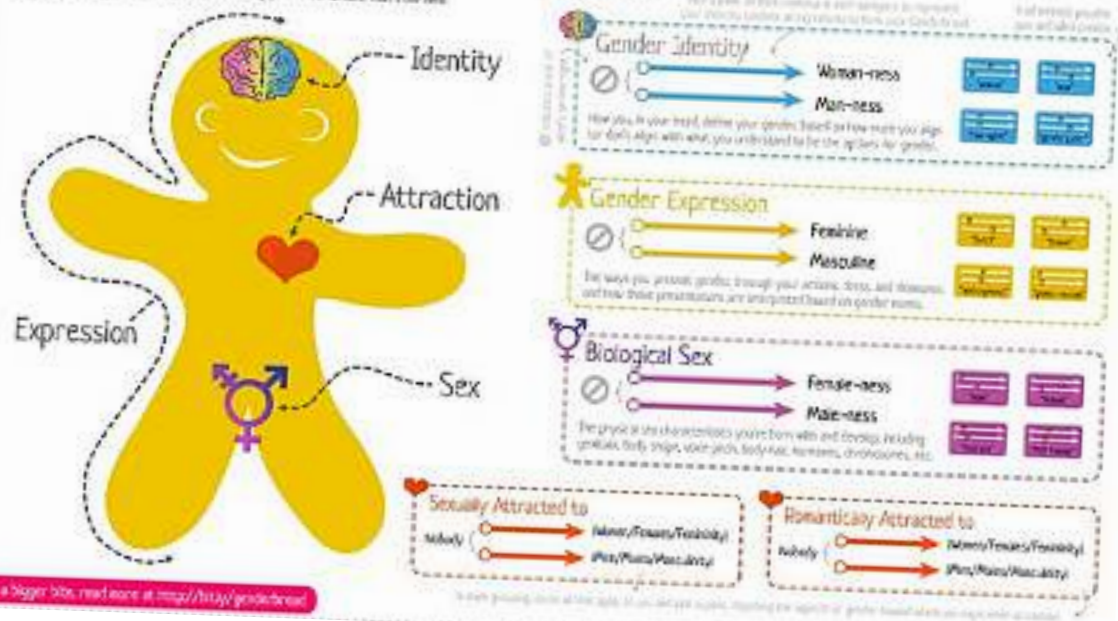
Age-Appropriate: In more liberal states, this phrase is almost sure to mean the content will **not** be age-appropriate. This is a very subjective phrase that allows activists and large organizations like Planned Parenthood and SIECUS to push schools to teach elementary school students about gender, using the “age-appropriate” “genderbread” and “gender unicorn” (see graphics pictured on next page).¹⁷ This also allows the law to permit sex education to be taught for **all** ages, as long as it’s “age-appropriate.”

As you can see, neither of these graphics teaches your child about biology. They introduce confusing and very adult ideas to elementary, middle and high school students that are radically political: 1) your head might have a different gender than your body; 2) the way you dress can express a different “gender” than how you feel in your head, different than your bodily sex, or different than both! 3) biological sex has *nothing* to do with gender; 4) concepts of sexual, romantic, *and* physical attraction, often teaching that boys being sexually attracted to boys is as normal as boys being sexually attracted to girls. All of this ideology is intended to indoctrinate children into affirming and unquestionably accepting the radical ideology of LGBT activists that has no basis in science or fact.

The Genderbread Person v3.3

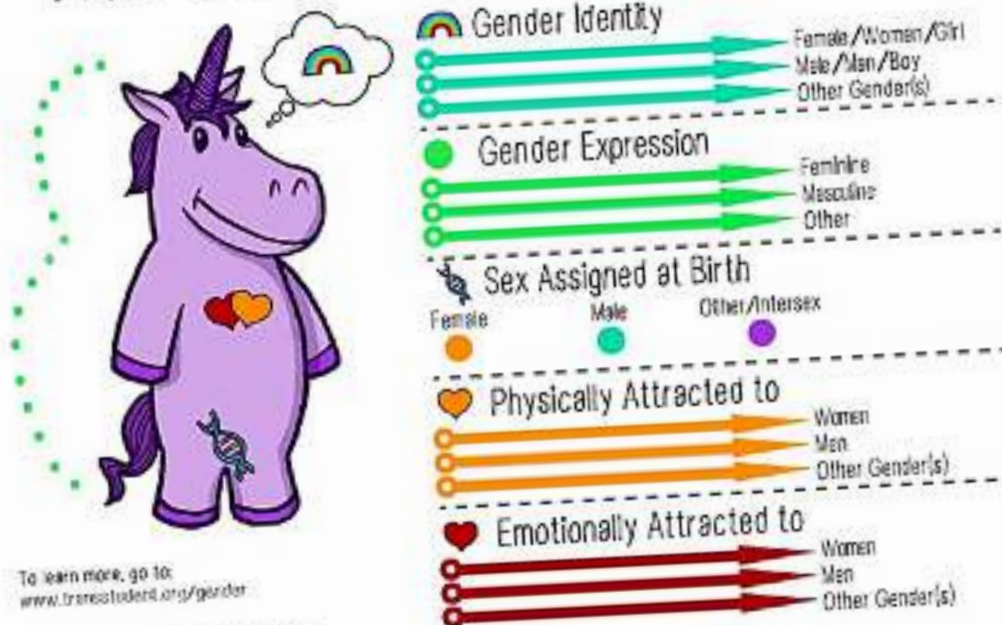
Gender is one of those things everyone thinks they understand, but most people don't. Like insulin. Gender isn't binary. It's not obvious. It's many parts of a whole. A bit of this, a dash of that. This facty inf' guide is meant to be an appetizer for gender understanding. It's okay if you're hungry for more. In fact, that's the idea.

by its pronounced **METROsexual** company



The Gender Unicorn

Graphic by:
TSER
TRANS STUDENT EXPERIENCE RESOURCE

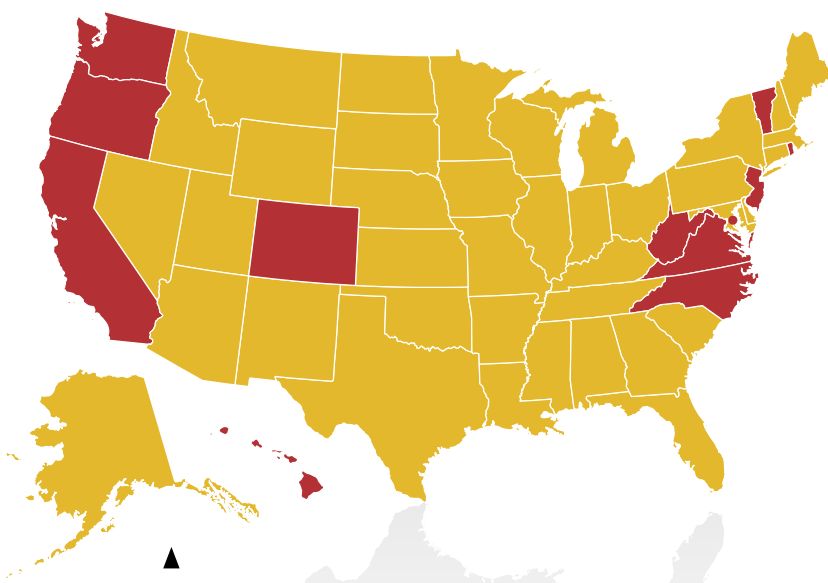


To learn more, go to:
www.transstudent.org/gender

Design by Londyn Fan and Anna Moore

EXAMPLE: "Rights, Respect, Responsibility" is one of the first CSE curriculums that includes kindergarten through 12th grade. You can see these colorful images target young students, teaching them confusing concepts that their gender in their head might be different in their bodies and introducing discussions of sexual attraction far too early.

Many people of faith believe our biological sex and gender identity are — or should be — one and the same, with our biology informing our gender identity. Bodily sexual reality is not chosen or changeable. Also, many people of different faiths only affirm and encourage heterosexual romantic and sexual relationships, sex only within marriage, and do not support the idea that same-sex relationships are normal and healthy. Many families also object to their young children being taught sex education, period. **Alabama, Arizona, California, Colorado, Florida, Hawaii, Illinois, Iowa, Maine, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, and D.C.** all require sex education (or mandated HIV education) to be “age-appropriate”.



▲ Nine states mandate consent education. **California, Colorado, Hawaii, New Jersey, North Carolina, Oregon, Rhode Island, Vermont, Virginia, Washington, West Virginia, and D.C.**



Consent Education

Consent Education: Sounds very reasonable right? While lessons teaching consent make it clear all sexual activity should be consensual, it subtly teaches *all* sexual activity is okay provided consent is obtained. It teaches children “yes, means yes!”, instead of “no, means no!” and may not allow students to address the nuances of coercive or even abusive sexual relationships. Being empowered to say “no” is an entirely different idea than “being empowered to say yes.” And many families are NOT okay with the government teaching their child *all* sex is good sex — provided there’s consent. Children have extreme difficulty discerning abusive behaviors, particularly of adults, and this type of education might make a child believe this abuse is okay.

In addition, legally, children *cannot* consent to sex to begin with. But this is usually not addressed in CSE that teaches about consent. Adults and even more mature teens are in a far easier position to exploit, manipulate, and harass younger teens and children all under the guise that “they consented.” This is why the law draws a bold, non-negotiable line that children cannot consent to sex. Yet, CSE teaches children as young as *elementary school* all the different ways they can say “yes to sex.”



Comprehensive

Comprehensive: This is a scary word. This word, unlike many of the others, means exactly what it says. The sex education your child will receive is *comprehensive*. This means your child could be taught the full gamut of human sexual experience, controversial or not, healthy and safe or not.



Culturally Appropriate

Culturally Appropriate or Culturally Sensitive: These are catch-all terms that allow liberal school boards or teacher unions to force into the curriculum a variety of controversial sexual experiences. This phrase often means addressing the potential sexual experiences of LGBT youth, but this category could certainly expand in the future. .



Medically Accurate

Medically Accurate or Scientifically Accurate: These words sound great together. However, the current major medical organizations are left-leaning, and support controversial ideologies such as transgenderism, same-

sex relationships, and abortion. This means that when curriculum is referred to as “medically accurate” or “scientifically accurate” that these controversial ideologies get a green light in the classroom. If you see medical organizations in your guidelines or laws, look them up and check out their stance on abortion, teen sexuality, and other topics. This will give you a great idea as to what ideology will be in the classroom.

States that require their sex education curriculum (including instruction about HIV – the sexually-transmitted virus that can lead to the development of AIDS) be medically accurate are **California, Hawaii, Illinois, Louisiana, Maine, Missouri, New Jersey, North Carolina, Oregon, Rhode Island, Tennessee, Utah, Virginia, and Washington.**



Safe and Healthy Relationships

Safe and Healthy Relationships: This language is also deceiving. Unfortunately, this phrase means the government is defining for your children what the definition of “safe and healthy” is. Safe and healthy looks different for many families, depending on their religious, moral, and ethical beliefs. Many families would object to same-sex relationships being taught as safe and healthy. And the scientific evidence absolutely supports their objections. Many families would again rightfully object to the concept of transgenderism being a safe and healthy option for their children. Again, the science backs them up. Many families would object to children being taught how to give consent. They would not agree that this is safe and healthy. Most states use the word “healthy” in their sex education curriculum guidelines. Check to see if the words “safe” and/or “healthy” are paired with any of the red flag terms above!



Curriculum Programs to Watch Out For:

The following are CSE curricula that include content developed by *outside* organizations, such as Planned Parenthood, SIECUS, and LGBT activist groups, but taught *inside* schools:

- Above the Waist
- Be Real. Be Ready
- Discovery Dating
- Get Real: CSE that Works
- FLASH, It’s Perfectly Normal
- Native Stand
- Project AIM
- Rights, Respect, Responsibility (aka 3 R’s),
- SIECUS Guidelines for Comprehensive Sexuality Education
- Teen Outreach
- Teen Talk

These are known to be federally-funded CSE programs:

- All4You! Positive Prevention Plus
- Be Proud! Be Responsible! Be Protective!
- ¡Cuidate!
- Draw the Line or Respect the Line
- Healthy for Life
- It’s Your Game: Keep It Real”(IYG)
- Making a Difference
- Project SNAPP
- Reducing the Risk
- Safer Choices
- Teen Outreach Program (TOP)

Virtually all of these programs show a significant rate of failure, even up to 85%.¹⁸ In extensive studies, some of the programs above had a 100% failure rate in improving teen abstinence *and* condom use. Some of these programs were found to have increased condom use, but at the same time increasing sexual activity, which was considered failure. Many also resulted in massive failure rates in decreasing sexual activity with contraceptive use — a major goal of CSE.¹⁹



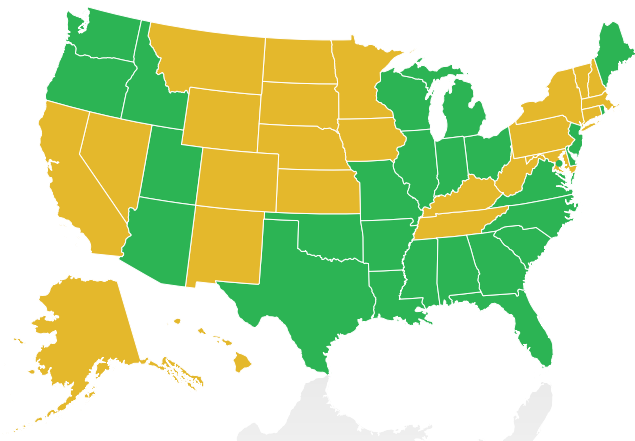
Sex Education Words We DO Like!



Sexual Risk Avoidance

Sexual Risk Avoidance or Stress Abstinence: (SRA, formerly known as abstinence-only education) or stressing abstinence content is an alternative sex education curriculum that focuses on teaching students the individual and social benefits of self-control, goal setting, personal responsibility and healthy decision-making. Sexual Risk Avoidance education stresses the numerous benefits of teens delaying sex. We Ascend is a group that works to help youth delay sexual activity and avoid risky sexual behaviors. They explain that SRA “is the only behavior that completely protects youth from the possible consequences of sexual experimentation and is completely compatible with a strong risk avoidance public health model. . . SRA is the only real solution to the problem of STI’s, teen pregnancy, and emotional harm often caused by teen sexual activity.”²⁰

This approach is intended to help *teens* avoid all the negative outcomes of becoming sexually promiscuous early on, usually defined as before graduating from high school.



These states (shown in green in the map above) are permitted to stress sexual risk avoidance over sexual rights education ***Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Louisiana, Maine, Michigan, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Utah, Virginia, Washington, Wisconsin and D.C.***

Keep in mind, just because the law *permits* teachers to stress abstinence does *not* mean it is required. In fact, in many of these states the curriculum not only does **not** stress abstinence, it teaches that all “consensual” sex is good sex for teens. To find out if your school is actually teaching an SRA curriculum, review the content and test it against the “Words We Do Not Like List,” on page 17.



Opt-In and Opt-Out

Opt-In and Opt-Out: Most states allow you to opt your child *out* of sex education. Though your child might be automatically enrolled in sex education, you can often opt your child out of all lessons, and they should not be penalized for it. Some states even have “**opt-in**” programs, which means your child will not be enrolled into sex education classes without your explicit permission—placing the burden for obtaining permission on the *school* rather than parents.

The following states do **not** have a law that gives parents the right to excuse their children from sex education: **Arkansas, Delaware, Kansas, Kentucky, Mississippi, Montana, Nevada, North Dakota, Tennessee, Utah**. Keep in mind, many of these states have very limited sex education programs or may be limited to teaching about the risks of HIV only. Check out Know Your Rights for steps you can take to opt your child out!

Note: There is a difference between **excusing** your child from class and **opting** your child out of a class. Excused absences are often temporary, and the student is often *still* responsible for missed classwork. Also, the school can *decline* to grant permission to **excuse** an absence for some reasons. **Opting-out** your child ensures they are *not* responsible for attending classes that are objectionable and the student does *not* have to complete classroom work. (Although a school *may* provide alternative lessons for your child to complete.) Opting-out for religious purposes is a legally protected right. (Excused absences may *not* be a legally protected right, depending on your reasons or the importance of the classwork.) Ensure you and the school principal and teachers are very clear about which option you are requesting and why!



Parental Notification

Parental Notification and/or Consent: Many states require that parents must be notified prior to their child being taught or enrolled in a sex education program. These laws vary state-by-state. Check in with your local school board or state department of education to find out if you have to be notified prior to controversial content being taught in the classroom. If not, feel free to reach out to your student’s teachers and respectfully ask if they’d be willing to keep you personally informed.



Most states allow you to opt your child out of sex education. Though your child might be automatically enrolled in sex education, you can often opt your child out of all lessons, and they should not be penalized for it.



Get INFORMED

Know the Facts

- The delay of a child's sexual initiation past the age of 18 has long-lasting benefits. Those benefits can't be eliminated by the use of contraceptives and successful STI avoidance. Teens who delay sex past the age of 18 do better in school, are less likely to be exposed to sexual abuse, have increased beneficial physical and mental health outcomes, have more stable relationships, are less likely to engage in other risky behaviors like drinking, smoking and experimenting with drugs, are more social, have greater net worth over time, and more.²¹ It is not clear why early teen sex has a cascade of negative consequences, but the evidence clearly tells us one thing: Science proves it's better to wait!
- Parents generally support basic sex education, but most parents do **not** support education that promotes early engagement in sexual behavior.²²
- Parents should keep in mind teachers often have limited control over curriculum content and subjects being taught. (This is usually controlled by the local school board, state board of education guidelines and even federal law.) Although your teachers might really want to help you and respect your beliefs, their hands might be tied by state law or school board requirements.
- Be sure to read all materials your child's school sends home. The school/school board sending a note home or posting on their website is often enough for the school to say they have "notified" you about content. Also, don't be afraid to look over what books, pamphlets and other resources they might be checking out from the school library or receiving from teachers.
- Be proactive in monitoring resources and information your child's school produces. Read all your child's homework assignments, scan their textbooks, and ask them about their day and what they're learning in detail. What you learn can make you breathe easier or alert you that you might need to take more steps to protect your child. Don't forget to ask about movies that may have been shown in class, resources available in the nurse's office, and more. (See next section on "How to Protect Your Child.")
- Make sure you ask the school to inform you if they will have any outside speakers or assemblies. Schools have been known to bring in Planned Parenthood, Drag Queens, protestors, or other radical activists pushing controversial materials.
- Form good, open relationships with your child's teacher, school counselors, assistant principal and principal. Meet with teachers and the school principal regularly and ask them to notify you when there may be content taught that could cause you concern or when they plan to have outside speakers come into the school. Meet with them again if you or your child's boundaries are violated or your rights are not respected. At times, open communication and good relationships just aren't enough and you might need to take more serious action. (See "How to Protect My Child" for more specific tools to protect your family's rights.)

- The Federal Department of Education does not explicitly protect the religious freedoms of students in schools, nor do their rules address religious discrimination. But the Department of Justice does enforce religious freedom protections for students and teachers in public schools. So if a school or school district is violating your religious beliefs (such as refusing to allow your child to opt-out of sex education), you may be able to file a complaint with the Department of Justice.

SRA vs. CSE

- The group We Ascend cites research from the Barna Group, Pulse Opinion Research, and the U.S. Department of Health and Human Services to demonstrate that there is overwhelming support for SRA from parents.²³
- In one sweeping study, “Only three out of 60 studies of 40 school-based CSE programs found evidence” of the content producing any positive effects such as increasing teen abstinence, increasing condom use or reducing teen pregnancy rates.²⁴
- “When it comes to preventing high-risk behavior among teens, the evidence is clear: risk avoidance is the most

effective strategy. This is true of successful public health campaigns to reduce teenage smoking, drinking, and reckless driving, and it is also true of sex education curricula.”²⁵

Schools and School Boards

- In many states, school boards have the sole right to choose curriculums for their schools. School boards often have opportunities for parents to join review committees, speak publicly and share their thoughts and concerns. So get involved! Write to your school board members about content that you have concerns about! There are likely other parents that share your perspective. This is where you can raise concerns, questions, and suggestions about controversial sex-ed content and content that is biased against Christians, conservatives, and others.
- Vote for school board members who share your values, or run for your school board! Some school districts allow district members to vote for candidates for vacant school board positions. The school district website may have information on when and where to vote and running for a school board position.

Know the Law

Relevant Federal Law:

States and Local school districts are mostly responsible for the type of content they’ll have in the classroom. While the federal government does not mandate sex education curriculum in state classrooms, it *does* fund certain sex education programs. The federal government will pay schools for using *their* programs. Here are some of the federally-funded programs that you may come across:

Title V State Sexual Risk Avoidance Education Grant Program/Competitive SRA Grant Program²⁶: These funds are available to programs that promote abstinence through

Sexual Risk Avoidance Education. See list of those receiving Title V dollars by visiting the Family & Youth Services Bureau here: <https://www.acf.hhs.gov/fysb/title-v-competitive-sexual-risk-avoidance-education-srae-grantees-fy2018>

Teen Pregnancy Prevention Program: This program funds schools that claim to be teaching teens how to practice safe-sex.²⁷ In the past, these federally-funded sex education programs were focused on abstinence and teen pregnancy prevention. Today, much of the government’s Teen Pregnancy Prevention Program has now been *outsourced to Planned Parenthood* and its allies. A lot of the programs we

have red-flagged above (in the “curriculums to look out for section”) are funded through this grant.

Personal Responsibility Education Program (PREP):

This federal program educates youth on abstinence and the use of contraceptives and pregnancy prevention, and it targets children as young as 10. It focuses on underserved communities, such as rural communities or those with high

birth rates, and provides support to pregnant teens. (FL, ND, TX, VA, and IN have received funding under this program.)²⁸

State Personal Responsibility Education Program

(PREP): This program awards grants to states that will teach contraception and abstinence with a target for reaching vulnerable youth such as homeless youth or those in foster care.²⁹

Know Your Rights

Parental Consent: Many states allow a parent to consent to their child taking sex education or health classes. This means you can say “No!” and opt your child *out* of sex education classes entirely. In addition, if classroom content violates your religious beliefs or rights of conscience, you have the right to opt your child out of specific lessons. Be sure to submit your *opt-out* to your school officials in writing!

Note: Planned Parenthood and other radical groups are fierce advocates of eliminating parents from a child’s sexual decision-making, including the consequences of teen sex. These groups want your child to be able to access contraceptives, birth control, STI treatment, and even abortion *without* your knowledge or consent. Some state laws allow parents to be excluded from these decisions their child may make. See Chart on page 108.

Curriculum Review: You have the federal (and often state) right to request a copy of your child’s *school curriculum* from your local school board of education.³⁰ School districts may also post-school curriculums on their websites. School curriculum is usually considered a matter of public record and is required to be released to families, although you may be responsible for copying costs. Take this opportunity to review curriculum for inappropriate content, biased material, or content that contradicts your family’s values. Be prepared to talk with your child about your values and beliefs and what they are being taught.

Lesson Plan Review: You have the federally protected right to review teacher lesson plans and examine textbooks

and other supplemental materials (like videos, activities, games, etc.).³¹ As a courtesy, be sure to give the teacher ample notice you’d like to review their lesson plans or other instructional materials. It is also important to build good relationships with your student’s teachers to make access to content far easier.



*You have the federal right
to request a copy of your
child’s school curriculum
from your local school
board of education.*

Observe Class: You have the federally protected right to observe your child’s class.³² You may need to provide the school notice beforehand. Some schools are actively seeking parents to sign waivers that they will not observe their child’s classroom. You have the federally protected right to do so, even *if* you’ve signed a waiver and later change your mind.

Interact with Staff: You have the federally protected right to speak with school staff and participate in your child’s learning activities.³³

Opt-Outs for Surveys and Assessments: Federal law requires schools allow parents to opt their children out of surveys and assessments that contain invasive or deeply personal questions about your child's sexuality; gender identity or expression; sexual experiences; moral, religious, or political beliefs; emotional or psychological problems; income level; immigration status; or criminal behavior and more! Often this opt-out *must be in writing*.

Parental Notification: One U.S. Centers for Disease Control study found that only about 69% "of high schools notify


parents or guardians before students receive instruction on human sexuality topics."³⁴ Most states require parents be notified prior to the start of sex education, health, or other related classes. (This notification does not apply if the "sex education" topic is brought up in another class, like social sciences.) Check with your school to find out if they must notify you before your children receive human sexuality instruction. Schools do *not* have to notify you about LGBT curriculum content or if there will be content that violates your family's religious beliefs.

Know Your Child's Rights

Often the school environment has led to courts limiting the rights of students. When it comes to protecting your child from comprehensive sex education, most of the rights and responsibilities rest with parents and the schools. Here are some protected rights your child has:

- The state cannot require students to act in a manner that violates their religious beliefs. If your child objects to classroom content because of their personal religious beliefs, help them submit a letter to the school in writing with their objections.
- Your child has the right to express their beliefs in the classroom, provided they are not doing it at an inappropriate time or in a disruptive manner. Your child should never be censored, disciplined, or experience other negative consequences from expressing their beliefs or opinions. This right is protected under the First Amendment as Free Speech.
- The right to Free Speech also includes the right *not* to speak, i.e. the right to be silent. So, children cannot be *forced* to say things that violate their faith or conscience. For example, a child cannot be forced to use transgender pronouns or promote abortion in a classroom assignment. This right does apply to both verbal and written speech and sometimes actions.

Your child's school *cannot* withhold graduation from your child for opting out of classes due to their sincerely held beliefs. If the school provides alternative content that is acceptable to your family, your child has the traditional duty to complete this content for classroom credit. If the school does provide additional content, your child's opt-out should have no impact on their grades or graduation.



Your child should never be censored, disciplined, or experience other negative consequences from expressing their beliefs or opinions.



BE YOUR CHILD'S CHAMPION

Ways You Can Protect & Advocate for Your Child

Curriculum Review Workshops: Your school or school district might host a workshop for parents to review curriculum, comment, and offer suggestions and criticisms prior to the curriculum's adoption by the school district.


Formal Petition Process: Some school districts allow parents to file a complaint with their local school board regarding school content. Most states allow families to file complaints with their state board of education if your rights are not being honored in schools. You can even file a complaint with the Federal Department of Education if these are serious and/or repeated violations. If a school has repeatedly violated your religious freedoms, you can even file a complaint with the U.S. Department of Justice.

School Choice: Given the serious concerns families may have about controversial sex ed content in the classrooms, and the difficulty some schools and school districts may present for families exercising their rights, it is

important families are aware of their school choice options in their state. (See [School Choice](#) for more.)

PTA or PTO: Join your school's Parent-Teacher Association, Parent-Teacher Organization, or other Parent Group, and stay up-to-date on content that's being taught in other classrooms. Building close relationships with teachers and other parents can have an enormously positive impact, especially if teachers are getting continuous positive feedback on classroom content from active parents.

School Board Meetings: Speak up at school board meetings about controversial content, content you find offensive, or content that undermines your family's religious, moral, or ethical beliefs. In addition, share if content is being taught in a patently offensive and biased manner and give examples! School boards have the authority to pull or change curriculum content!



TALK to Your Child

A resource like this can only skim the surface with advice on talking with children about these difficult and controversial subjects. So we'll give some overall advice here, and then point toward other helpful resources on these issues.

Talk with your children about sexuality, relationships and marriage

We believe that parents hold the responsibility for informing their children and communicating their values about sexuality, relationships and marriage — not schools or the government. Yet parents often feel uncomfortable and fearful about broaching these subjects, which means many children will learn about them from the media, entertainment, schools, and their friends. It's important to be intentional about sharing your values and beliefs with your children, in an ongoing dialogue and relationship.

We suggest starting early with sexuality education, beginning with simple concepts for younger children. Focus on the Family has developed an easy-to-use guide for parents, "The Talk: Healthy Sexuality Education." The booklet gives basic goals and guidance for each age level. In the first three years of life, for example, parents should mainly focus on bonding with their young child, helping the child to realize he is a boy or she is a girl, and teaching proper references for body parts. Parents can also begin teaching their children about privacy and safety, helping them begin developing healthy boundaries.

From ages three through seven, the guide suggests continuing those basic goals, but building on them. Parents should teach children their bodies are good, explain God's

design for marriage and family, and teach children more about healthy relationships. Parents can talk more about being a boy or being a girl, explaining that while they are distinct, both are good, both are created in the image of God, and both should be valued and respected. Parents can continue building on early lessons about privacy and safety, explaining that our bodies are good and giving guidance about how they should be protected.



It's important to be intentional about sharing your values and beliefs with your children, in an ongoing dialogue and relationship.

Parents who provide this solid foundation can go deeper and talk more with their children as they move into adolescence about changing bodies, sexuality, anatomy and

reproduction. Starting with simpler concepts makes it easier to move into these more advanced areas. Because parents know their children well, they will be able to gauge a child's individual development and move ahead at a pace that's best for the child. "The Talk" also suggests more resources for parents as they provide their children with a healthy sexual education.

As your children grow and develop, ask them questions about what they're hearing and learning from different areas, such as school, church, friends, entertainment, books, and online resources. Maintain an ongoing dialogue with your kids. Let them know, too, that as they grow, they'll encounter ideas that are different from what your family

believes, and tell them you want to discuss and explore what they hear other places. Explain that even though we disagree with people on important issues, we can still show them kindness and respect.

"Launch Into the Teen Years" is a helpful resource for parents of pre-teen adolescents, between the ages of nine and twelve. The resource is not just about sexual development, but it teaches pre-teens about healthy identity and dealing with the fluctuating emotions. The video curriculum discusses how to make and keep friends, how to cope with bullies, and how to deal with technology, providing help for parents as they talk with their children about these sensitive topics.

Talk with your children about LGBT issues

As more states add the requirement to teach about LGBT issues in sexual education and social studies classes, more curriculums and textbooks are being written that include instruction on these controversial subjects. Even if your state doesn't have these requirements, local school districts may choose curriculums that include this teaching. In addition, your school's library and individual classrooms may have books on LGBT topics — beginning as young as kindergarten.

After you've given your children an appropriate education about sex and sexuality, it'll be easier to discuss LGBT subjects with your them. Again, Focus has developed resources to help parents, such as "How to Talk to Your Children About Homosexuality," "When Transgender Issues Enter Your World," "Equipping Parents to Respond to Gender-Confusing Messages in Schools," and "Talking to Your Children About Transgender Issues."

The resources give advice for communicating with children of different ages. They offer some sample scenarios where your children may be exposed to these topics, with advice about how to respond. Here are a couple key ideas to communicate with your children:

- **Communicate with grace and truth**, and tell your children that we talk about these subjects with respect for

God's design for sexuality, but also with love and respect for people. Your children are paying attention to you, and it's important to speak with kindness about people struggling with these gender confusion or same-sex attractions.

- **Teach children about God's design** of humans as male and female, in His image.
- **Explain that marriage is the union of a husband and wife.** Marriage has a number of purposes, and is foundational for society as it unites a couple together with any children who may come into the world as a result of their union.
- **Tell your children that sexual expression is reserved for marriage** between a husband and wife.

- **Explain that all people are affected by sin.** As a result, we all struggle with relationships and sexuality. Homosexuality and gender confusion are just two of the many sexuality issues that people wrestle with because of sin.
- **Teach children that God loves everyone,** even when we sin, and that He wants to bring people back to relationship with Him through His son, Jesus.

For parents and older children who want to dig deeper into these topics, Focus on the Family's Understanding Homosexuality and Transgender Resources provide links to broadcasts, Q&A's, articles and books. For families dealing with these issues with a family member, Focus' counseling department offers consultations and referrals.

Talk with your children about your beliefs

Again, we advise starting young, teaching your children your views about American history, science, morality and religion, U.S. Government, and economics – before they start hearing and reading biased materials on these issues. The good news is, you don't have to be an expert on these topics to teach your children — you can learn with them. Even if your children are older, both of you can explore these topics together, learning as you go.

Given the hostility toward people of faith in some school communities, sharing opposing ideologies may put children at risk for harassment and bullying. Parents may want to talk with children about using wisdom and discretion when, where, and how they share their faith or beliefs on social and political issues with others.

So where do you go to find When the COVID-19 pandemic hit the U.S., and schools across the nation shut down, many experienced homeschoolers began putting out tips and resources for millions of parents who were thrust, unprepared, into homeschooling. Here are some of their recommendations, which you can use to communicate your values and beliefs to your children.

The Massachusetts Family Institute (MFI), an ally of ours, published "How To Homeschool When You're Not A Homeschooler." Among other advice, they recommend checking out blogs written by homeschoolers, such as Simple Homeschool, Hip Homeschool Moms, and Practical, by Default. These blogs suggest books and resources on a variety of issues. MFI also recommends Prager University for "short videos that promote Judeo-Christian values and critical thinking on current issues."

Julie Hamilton Batura is a homeschooling mother of three who suggests many "Practical Resources for Teaching Your Kids at Home." She recommends resources such as Kahn Academy, Education.com, Homeschool.com and thehomeschoolmom for activities and resources. Of course, with all of these, you'll want to check to make sure that the books, articles, activities and videos align with your family values.

Some parents are very engaged with their children during their early years, and then step back as their children move



It is important to stay engaged in what's happening in their schools, as middle school and high school may be where they encounter the most damaging and inappropriate materials.



into middle school and high school. We're not advocating for over-involvement, children do need more space as they grow and develop. But it is important to stay engaged in what's happening in their schools, as middle school and high school may be where they encounter the most damaging and inappropriate materials.

This is just a start for finding books and resources that affirm your family's beliefs and counterbalance some of the advocacy your children may encounter at school. As you and your children read books and articles and watch videos, take time to discuss what you're all learning and what the authors and speakers have to say about our country — from economics to politics, and from science to morality.

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BACK TO SCHOOL FOR PARENTS: Protecting Your Child in the Classroom

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Protecting **YOUR** Child

IN SCHOOL HEALTH ROOMS, CLINICS, AND COUNSELING OFFICES

In this section...

- 34** What's Happening In The Schools
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THIS SECTION IS ENDORSED BY:



“There is far more going on in school clinics today than most parents recognize. This section of “Back to School for Parents” will give parents the important wake-up call and preparation they need as their children enter into the pre-adolescent and adolescent years.”

JEFFREY BARROWS, DO, MA, (ETHICS)

Senior VP Bioethics and Public Policy, Christian Medical & Dental Associations



What's **HAPPENING** at School

School Health Clinics & Nurses Offices

Remember, the center of today's cultural, social, and political battles can be summed up in a word: identity. And who's at the very center of these ongoing identity wars? Our children. With our children caught in the middle of culture wars, public schools are particularly susceptible to ever-changing ideological battles on identity. You probably aren't surprised that the classroom isn't the only area of the school impacted.

School health rooms, clinics, and counseling offices can also be conduits for gender ideology and other controversial ideologies involving abortion, contraception, vaccinations, and more. Some schools only have school nurses who care for minor cuts and injuries, dispense prescription medications, provide health assessments, and may provide referrals to outside care. Other school districts provide full-blown health-care clinics, *writing* prescriptions for medications and covering all medical and mental healthcare needs of a student. As far as school counselors



"I don't like my child being used for you to get money for a system that I don't support . . . We have a healthcare facility, we have a doctor. If I want to discuss sexually explicit things with my children, I'll do so in my home or at my doctor's office."¹

— WILLIS, LOUISIANA MOM —

are concerned, virtually every school has counselors who can offer mental health care treatment to your child—including in serious situations involving suicidal thoughts, addiction, bullying, sexual activity, pregnancy, and gender-identity struggles. School counselors can also refer students to outside health-care providers, like for addiction programs or abortion-counseling. In some instances, schools do not have to inform parents about these referrals.

Why Should I Be Concerned?

School nurses, healthcare clinics, and counselors may give advice and recommendations—or worse, referrals and treatments—to your child that contradict your family values and religious beliefs. Parents should look out for

controversial care, which might promote radical, liberal ideology, like the "healthiness" of same-sex attraction, transgenderism, abortion, and controversial drugs that can cause early abortions (like Plan B and Ella). If a school has a

full health clinic, it is likely able to write prescriptions for pills (e.g., the abortion pill or cross-sex hormones) or implant IUDs without your express consent or even your knowledge. These clinics can and do provide students with Planned Parenthood resources or referrals, treat your child for sexually transmitted infections (STIs), and coach your child on gender identity and sexuality.

When it comes to mental health care, a counselor could be treating your child for suicidal thoughts, providing therapy that affirms and encourages a child's unwanted same-sex attraction or gender-identity struggles, or providing referrals for addiction programs, abortion services, or cross-sex hormone treatment—all without your knowledge and consent. In fact, in some of these scenarios, state and even federal law may require the counselors to keep this information from you to protect your child's medical privacy. This is why it's imperative you know *exactly* what kind of care your child might receive under a school's health program.



One Washington mother signed a consent form for the school's clinic to treat her 15-year-old daughter while in school. The mother thought her consent just meant treatment for earaches or offering routine physicals. She was outraged when the school not only provided pregnancy testing for her daughter but proceeded to excuse her 15-year-old from class and even help her get a taxi to an abortion clinic—all without informing the mother.²

ABC NEWS STORY



BE AWARE

How can schools do this?

Most parents will sign a general consent form for their child's medical care and/or mental healthcare at the beginning of the school year. But this form often does not begin to inform parents about all the "care" their child might receive, nor do these consent forms clearly signal to parents the sheer scope of their consent. As far as financing, most school-


based health clinics are funded out of the school's budget and/or through the state Medicaid program. This means you may *never* see a bill or receive notice of the *details* of care your child is receiving. This is why it's important you know the scope of care the school's nursing/clinic and counseling office provides and what your consent means.



Get INFORMED

Know the Facts

- Read all paperwork regarding school healthcare very carefully. Pay close attention to packets and forms that come home at the beginning of the year, which often include medical consent forms. Some forms might have an itemized list of what kind of care you consent to if you sign, but generally, the forms will have much broader statements regarding care, making no mention of the more drastic measures a school can take to treat your child.
- School-Based Health Clinics (SBHC's) are full-service health clinics with a licensed doctor or R.N. and can even act as your child's primary healthcare provider, treating and diagnosing all your child's physical and mental health needs. SBHC's provide similar care to nurses' offices such as physicals, vision and hearing screenings, and scoliosis screenings—but they can also do much more. SBHC's can *write* and dispense prescriptions, prescribe and implant contraceptives, provide vaccinations, and more. ³ These clinics are often funded by the state. Review these consent forms with particular care.
- School nurses, doctors, and mental health counselors will, in most circumstances, be treating your child without your presence. School health staff will often (and are even encouraged to) discuss sensitive personal issues with your child like sexual activity, the use of contraceptives, abortion access, drug use and addiction, and STI treatments.
- Although you might provide limited consent for your child to be treated by a school health clinic, just know once a school health clinic decides that a particular treatment is “medically necessary” for your child, this **could** mean, you, as the parent, have a legal obligation to ensure your child receives that treatment. Religious objections are still constitutionally strong reasons for parents to decide *against* treatment, but other reasons for objecting may not be.
- Parents have a duty to provide care for their child in emergency situations. They also have an obligation to follow the advice of doctors treating their child and dispense prescribed medication if it would substantially benefit their child. In *some* states, parents *can* get a religious exemption from treatment if the treatment would violate their sincerely held religious beliefs (e.g., if receiving a vaccination would violate one's religious beliefs). But some states do *not* allow religious exemptions for certain conditions or treatments.



Religious objections are still constitutionally strong reasons for parents to decide against treatment, but other reasons for objecting may not be.

This is only to say, if you choose to have your child seen by a school nurse or doctor, you also might be obligated to follow-through on certain treatment recommendations.

- Schools have a general duty to aid and protect their students. Not only must schools provide a generally safe environment for students, but if a child experiences an *emergency* medical situation, the school must take action to help a child (like providing first aid) or get immediate help (like calling an ambulance). The school does *not* have to obtain parental consent first, because in an emergency,

time is of the essence. Yet, many school districts are defining “emergencies” in broader and broader situations to keep parents in the dark, such as deeming a child’s mental health regarding gender dysphoria or an unwanted pregnancy an “emergency” where the school can refer the child to a gender resource clinic or abortion clinic without parental knowledge or consent. It is always good to limit your consent to these services, in writing, at the beginning of the year.⁴ You can also request if the school treats your child in an emergency, that they notify you *as soon as possible* to the actions they took to help your child.

Know the Law

Relevant Federal Law:

HIPAA (Health Insurance Portability and Accountability Act): This is a federal law that protects the medical privacy of individuals. HIPPA allows parents to have access to their child’s private medical records so long as access is not a violation of other state or federal law. (For example, if your child can consent to their own care or is being treated for STI’s, addiction, or serious mental health concerns, you may not be able to access your child’s medical records. Also, if you provide consent that your child can have a confidential relationship with the school medical staff, you might also not be able to have access to your child’s records.)

Relevant State Law:

Check your state’s consent laws. Some states allow minors to consent to their own medical care in exceptional circumstances. For example, the majority of states allow minors to consent to their own medical care if they are married, legally emancipated, or seeking treatment for addiction/STD/HIV treatment, pregnancy care, access to contraceptives, and certain types of mental healthcare.

See Appendix C, on page 108 for the consent laws in your state.

Note: If your child is receiving services through Title X (family planning) or Medicaid, you most likely do not have the ability to access your child’s private medical records.⁵

Know Your Rights

- If you choose to sign a consent form for your child to receive medical care from a school nurse or clinic, you have the right to limit the scope of healthcare you consent to based on your personal, moral, and ethical beliefs. For example, “I consent to my child being treated for minor cuts and scrapes, but for anything further, I require the school to get my express consent.”
- You have the right to know who is providing medical services to your child unless state law has other restrictions. (For example, some states do not allow healthcare providers to release information regarding pregnancy healthcare for your child.) Also, if your state legally allows your child to consent to their own healthcare in some situations (like prenatal care or addiction counseling), this information *cannot* be released to parents without your *child’s* consent.

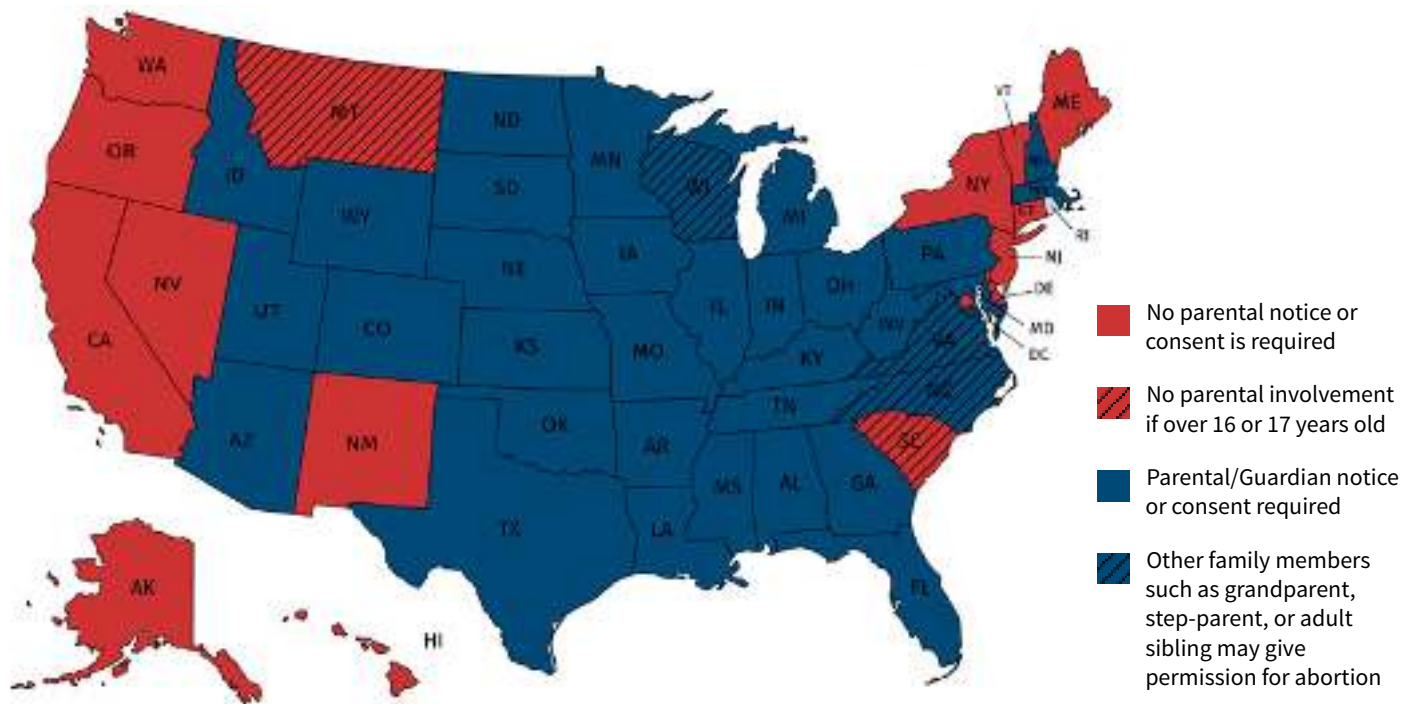
- You have the right and legal duty to provide necessary medical care for your child. This may seem obvious, but it's important to note that licensed healthcare professionals have a lot of power in deciding what care is "necessary." Usually, necessary care includes care that will prevent your child from experiencing serious harm. This becomes important if the professional's idea of "necessary care" and "harm" is very different from your own. If there is a disagreement, a healthcare official can file a complaint with the state, and a court *can* override a parent's decision and require treatments for a child.⁶
- You have the right to refuse treatment for your child that isn't mandated by law or considered "medically necessary."
- You have the right to talk with school officials about your child's treatment and share your concerns or questions.

Don't hesitate to inform healthcare staff or other school officials, calmly and respectfully, if you believe your parental rights have been violated (such as your child being treated without your consent). These are serious issues that demand a swift resolution. Ensure clarity on what your expectations and boundaries are for your child's treatment and submit these to your school officials in writing.

- Schools often distribute surveys to students regarding sexual activity, identity, mental health problems, illegal activity, religious affiliation, income, and more. The school must notify you in advance of these surveys and obtain your consent, although parents have reported surveys being distributed without their knowledge. You have the federally protected right to opt your child out of taking these surveys.⁷



State Parental Involvement Laws Regarding Minors and Abortions (2020)



Know Your Child's Rights

- Parents *cannot* consent to medical treatments that might violate their child's constitutional right to bodily integrity or reproductive privacy. For example, parents *cannot* consent to have their child's organs removed for organ donation, sterilization procedures for their child, or forcing the termination of a pregnancy without court intervention.
- In some states, minors are given the legal right to consent to certain types of medical care (See Appendix C, on page 108.) In these instances, your child can obtain care without your knowledge and/or consent.
- Some states allow minors who are deemed sufficiently mature (i.e., in possession of the ability, capacity, and motivation to make their own informed medical decisions) to consent to their own medical care. Often a doctor will make this determination, or at other times it might be the court.
- Minors have the right to consent to abortion access without your knowledge or consent in some states (See map above.) In *every* state, a minor has the right to seek permission from a court *instead* of their parents. Keep in mind, abortion providers are all too happy to walk your child through the court process.
- You have the right to make medical decisions on behalf of your child without the consent of your child's other parent unless a court order has said otherwise, or in circumstances that involve removing life-sustaining treatment from your child.
- In some states, your child may have the right to refuse mental health therapy that seeks to help them accept their biological sex or encourages opposite-sex attraction. This means, for example, if your child desires to have a transgender identity, you may not be able to provide them counseling that helps them embrace their birth sex if your child refuses to attend. In some cities and states, it is illegal for counselors to provide help to minors struggling with unwanted homosexuality or gender confusion.

BE YOUR CHILD'S CHAMPION

Ways You Can Protect & Advocate for Your Child

- When signing a consent form, you *can* **limit the scope of your consent**. You can write on the form directly or submit a separate letter that the school/SBHC does *not* have your permission to, e.g., write prescriptions or provide referrals to outside agencies without your specific notification *and* consent.
- If possible, **ensure your child's primary care doctor is someone you and your family can trust** and one who will respect your beliefs. If your child's primary care is through their school, build a relationship with their school nurse/doctor and make your beliefs and desires clear. It's always a good idea to put your religious beliefs and what they mean for your expectations regarding medical care in writing, and a good school will record this information in your child's file.


It's always a good idea to put your religious beliefs and what they mean for your expectations regarding medical care in writing.

- Ask to **review materials your school health staff may be distributing to students** in group sessions, classroom activities, or assemblies *prior* to these activities. School health staff will often be updating students throughout the year on their services or providing pamphlets or flyers with advice, recommendations, and even referrals for some of



the controversial issues we've covered here. If you object to the content, you might be able to excuse your child from these activities. At the very least, you will have the opportunity to talk to your child ahead of time if you know what's coming.

- **Be aware school health clinics may also distribute surveys to students that are sometimes sexually explicit** (e.g., such as asking a student if they have had sex and what kind). Schools are paid by the federal government for each survey they return, so they have an incentive *not* to notify parents before distributing these surveys, although they are required by law to notify you. If you are uncomfortable with your child taking surveys regarding sex, sexuality, and/or gender identity, submit your opt-out to school officials in writing.



TALK to Your Child

Today's youth often deal with difficult issues such as depression, anxiety, bullying, sexuality, relationships, and identity questions. Schools may even guide your children in a different direction than you would, without informing you and without your consent. Here's some basic advice for connecting with children and resources if you're facing difficult issues in your family.

Build and Maintain Your Relationship

It's easy in our busy world to let important things slide – including your connection with your children. We encourage parents to be intentional about giving time, attention, affirmation and love to their children as they grow. Be a safe person for your children to talk with: Ask questions, listen well, and encourage them to speak freely.

Help Children Develop a Trusted Network

Your children will hear messages from entertainment, social media, friends, and their school that oppose traditional faith and values. Help them connect with trusted mentors, role models, coaches and friends who can speak into their lives. Safe family members, youth pastors, Sunday school teachers, and others who clearly share your values are key allies in helping your children grow and learn.

Connect with Their Network

Adolescents and teens often begin talking more with others, and less with parents, about serious issues they may be struggling with. Staying connected with your children also

means connecting with their friends and other adults who know and love them. These relationships can be helpful if you find your child is struggling with serious issues.

Talk About the Tough Stuff

As your children grow, have age-appropriate individual and family conversations about the difficult issues we face in the world. Explain that they will sometimes hear messages that can be confusing and don't match up with God's truth. These don't change God's clear design for human identity, relationships, marriage, and life. Explain what God's Word says, and present factual information and solid arguments as you pass on your beliefs to the next generation.

Focus on the Family has resources to support parents as you navigate difficult issues:

- [Alive to Thrive](#)
- [Counseling Consultations and Referrals](#)
- [Launch into the Teen Years](#)
- [Parenting Articles and Resources](#)
- [Parenting Questions and Answers](#)
- [The Talk: Healthy Sexuality Education](#)



Protecting **YOUR** Child

IN SCHOOL LOCKER ROOMS, BATHROOMS, and other Private Spaces

In this section...

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“A biological girl has to fight back tears out of concern for her safety & privacy, all because biological males who ‘identify’ as transgender are now free to use her locker room and bathroom while she changes. Absolutely shameful. Stop the madness.”¹

CHARLIE KIRK



What's **HAPPENING** at School

Locker Rooms, Bathrooms, and Private Spaces

Another twist in the impact of transgender ideology (the idea that people can be a different sex or “gender” in their head than in their body) is radical activists demanding students who feel this way be allowed to use the private bathrooms, locker rooms, showers, and hotel rooms with students of the opposite sex.

This extreme social ideology demands that a boy be treated as a girl in the school environment if he “identifies” as a girl, and vice versa. These activists, which include powerful and well-funded legal organizations like the ACLU and Lambda Legal, argue it would be *sex discrimination* not to allow a transgender-identifying boy to use girls bathrooms or other private spaces. To push their agenda, organizations like these bury schools in lawsuits and publicly shame families, students, teachers, and school officials who disagree.

As of the summer of 2020, 8 states have passed laws prohibiting “discrimination” based on gender identity in schools. Eleven *more* states have passed laws granting special privileges based on gender identity in public places like public bathrooms, pools, locker rooms, and changing rooms. (See Relevant State Law section, below, for more details.) In addition, some state departments of education and local school districts are passing their own policies to elevate “gender identity” over biological reality in schools.

What is “gender identity”?

This is a good question. Many states don’t even bother to define gender identity because it means different things to different people. States that do provide a definition use language that’s so broad the words can have endless meaning — including referring to students’ clothing choices, language, actions, name preferences, hairstyles, use of cosmetics and, of course, what bathroom they use and sports teams they play on.

How did we get here?

There’s been a growing movement to add “gender identity” as a protected status in state and local education policies, but a letter Issued In 2016 by President Obama’s Department of Education spurred a new wave of “transgender rights” policies. This “Dear Colleague Letter” encouraged schools to interpret the word “sex” (biological sex) to *also* mean “gender-identity” under a federal law called Title IX.²

Title IX is a federal law that prohibits discrimination on the basis of sex in schools.

Although the Trump Administration *revoked* the 2016 letter (see Relevant Federal Law section below), many schools began opening their bathrooms and locker rooms to opposite-sex students who identified as transgender.

Why Should I Be Concerned?

Every citizen, including children, has the constitutional right to privacy, dignity, bodily integrity, and safety. These are fundamental rights that must be protected. Parents have the right to expect their child will be protected while on school property or when engaging in school activities. Young children and teens should never be forced into intimate spaces with children of the opposite sex, particularly in situations where adult supervision is minimal.

Just as concerning, schools do **not have to inform parents there is an opposite-sex child using private facilities with other children.** This dramatically decreases parents' ability to protect their children.

All students deserve to feel safe, not just the one percent.

No student should have to suffer anxiety, humiliation or embarrassment from sharing a sex-segregated space with a student of the opposite sex.



*"[My school] didn't even bother to tell me or the other students that they changed school policy to allow students to choose their locker rooms and restrooms based not on their sex, but their beliefs about their gender. . . The moment I walked into our girls' restroom and found a boy standing there, I turned and fled. . ."*³

— ALEXIS L., PENNSYLVANIA —

Parents have the right to expect their child will be protected while on school property or when engaging in school activities





Get INFORMED

Know the Facts

- The majority of **Americans believe** multi-person bathrooms that are segregated by sex should not be open to members of the opposite sex, even if that individual identifies as transgender.⁴
- Less than **2%** of high school students identify as transgender.⁵
- Many schools claim that opening bathrooms and other private spaces to transgender-identifying students is a result of their “non-discrimination” policies that “treat all students equally.” They also claim mixing sexes in bathrooms and locker rooms is the result of anti-bullying policies to ensure the school environment is safe and harassment-free. Yet, never before have boys claimed it was discrimination and government bullying to be denied access to a girls bathroom (and vice versa)—until now.
- Keeping sex-segregated facilities is **not harmful** to transgender-identifying students. These students have access to the same bathroom that matches their biological sex, just as every other student does. Is it harmful to boys to keep them out of girls bathrooms? No. Nor should a transgender-identifying boy be granted special privileges to access a girls bathroom.
- When public accommodations open female-only bathrooms to males (who claim they are female), the incidents of **sexual predatory** behavior increase. This does not mean transgender-identifying individuals are more likely to show predatory behavior. It **does** mean free-for-all bathroom policies signal to perpetrators they are easier places to gain access to victims.



- According to the Department of Justice, “30-50 percent of youth are **sexually abused** by other juveniles.”⁶ The U.S. Centers for Disease Control and Prevention (CDC) teach one primary strategy in preventing sexual abuse is creating *protective environments*. This means “improving safety and monitoring in schools.”⁷ Schools are already falling behind in creating protective environments for students, with almost 55,000 serious, violent incidents (including rape and sexual assault) being reported by public schools in 2018 alone. Schools should be working hard to ensure the safety of all students, not pushing policies that risk student safety for the sake of a political agenda.⁸
- In states where laws give special privileges based on gender-identity in schools, there may not be much parents can do except consider **private school options or special accommodations** for their child to use (for example, a nurse’s bathroom or staff bathroom).⁹

Know the Law

Unfortunately, many schools will claim they have a transgender “friendly” bathroom policy to “follow federal law.” *Yet, there is no federal law that requires schools to allow bathrooms, locker rooms, and other sex-segregated spaces to be available to the opposite sex.* When schools mention “federal law,” they are most likely referencing the laws below. Here’s a quick run-down of what these laws *actually* say.

Relevant Federal Law:

Title IX¹⁰ (Title Nine): *Title IX was part of a suite of civil rights laws passed in 1972 to ensure that girls have equal access to educational and athletic opportunities with boys.*

It’s good to mention Title IX when you communicate with school officials (e.g., testify at school board meetings or write a letter to the principal) and remind the school that Title IX specifically *permits* schools to maintain sex-segregated private spaces. (34 C.F.R. 106.33).

2016 Dear Colleague Letter Re Transgender Students¹¹: *Schools that reference “federal guidance” to justify their policies might be thinking of this letter from the federal Department of Education.*

Note: This isn’t a law but a letter. Also, this letter was revoked in 2017.

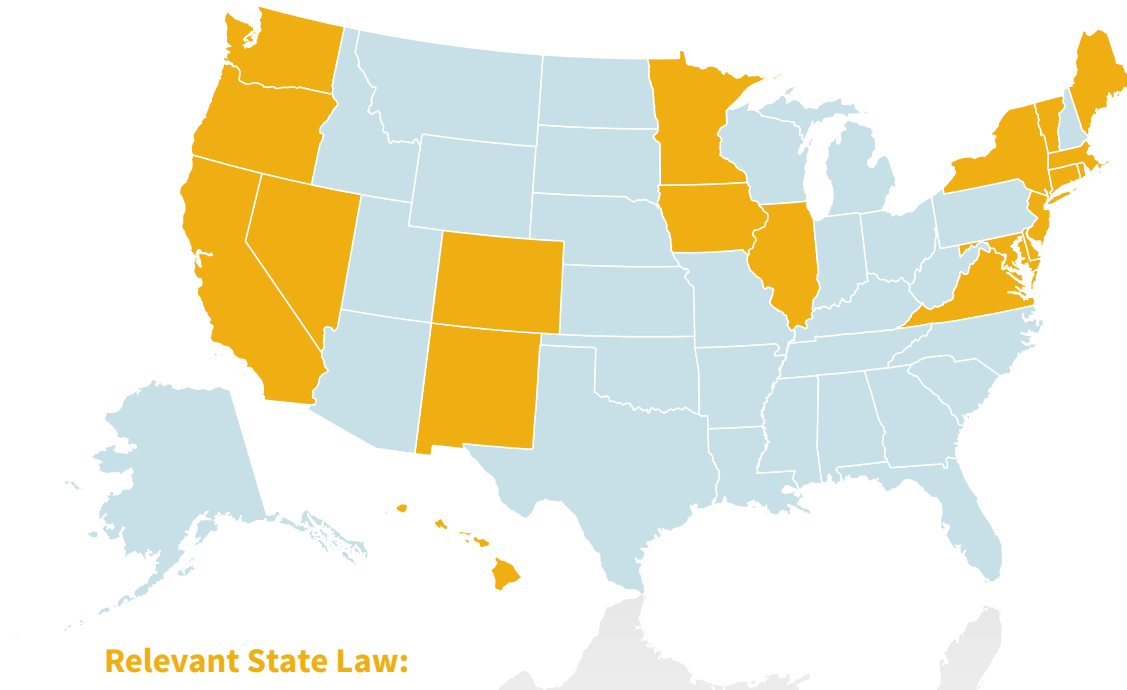
This controversial letter was circulated by the Obama Administration to federal agencies as guidance, which encouraged schools to interpret the word “sex” not just to mean biological sex but also “gender identity.” This wasn’t a

law, but many schools like to follow the suggestions of the federal government. Although this letter was revoked in 2017 by the Trump Administration, many schools had already begun to change their bathroom policies.¹²

If you’re writing a letter to your school board, or testifying, it might be good to refer to this guidance and remind them this is not law — *and that the Department of Education revoked the letter in 2017.*

Bostock v. Clayton, 590 U.S. __ (2020): *This Supreme Court Decision might not come up. But if school officials or school board members do bring it up, you can be prepared by reminding them this decision does not apply to schools.*

The *Bostock* decision stated that it was “discrimination on the basis of sex” for *employers* to fire gay or transgender employees on the basis of sexual orientation or gender identity. Some school officials might use these decisions to justify their policies that allow students into the private spaces of the opposite sex because of gender identity. So, it’s good to know this Supreme Court decision *only* applies to *employers* and does not apply to schools and their locker room or bathroom policies!



States that Require Public Accommodations to Permit Bathroom Use Based on Gender Identity.

States (**in gold**) with laws requiring gender-identity is treated in the same manner as biological sex for purposes of public accommodations. ***These laws can impact schools.***

Relevant State Law:

19 States Prioritize Gender Identity: These states have a law that requires all public accommodations to allow transgender-identifying individuals to use the public bathroom, locker room, showers, etc., that match their gender identity. The term “public accommodations” usually means government buildings and entities generally open to the public — such as restaurants, places of business, gyms, hotels, etc. In some states, the term includes schools.

Eight out of the 19 specifically include school bathrooms: ***Colorado, Delaware, Illinois, Maine, Nevada, New Jersey, New York, and Washington.***

Note: States may have policies about bathroom and locker room use, but so do local authorities. Currently, over **300 cities and counties** have laws (i.e., a local ordinance) that also require the gender identity of an individual take precedence over biological sex in public accommodations.

Three States that Protect Privacy in Private Spaces:

Arkansas, Tennessee and North Carolina currently prohibit cities from passing special privileges based on gender identity, explicitly protecting the safety and privacy of men, women and children in public bathrooms, including schools.

Know Your Child’s Rights

- Your child has the right to bodily privacy. Often this means your child has the right to use a sex-segregated restroom/locker room/changing room/shower, etc. Unfortunately, many states have determined transgender bathroom policies do *not* violate a student’s rights to privacy, provided the school provides options for the students who are uncomfortable sharing bathrooms with the opposite sex. These options can be allowing your child access to a staff bathroom, nurse’s bathroom or providing access to a single-stall restroom. (See above map.)
- Students also have the right to attend school without being in a hostile environment, harassed, or bullied. If your child is being harassed or bullied in a private space, take detailed notes and report these incidents immediately to school officials. If the harassment and bullying is persistent, you may be able to file a complaint with your state Department of Education or even the federal Department of Education.


BE YOUR CHILD'S CHAMPION

Ways You Can Protect & Advocate for Your Child

- Ask your school if they have a policy that permits students to use bathrooms and locker rooms based on gender identity. If the answer is yes, be aware, and talk with your child. (See “Talk to Your Child” section.)
- Ask your child’s school if they have a **transgender student policy guide or gender inclusion/diversity guide**. If yes, this guide may provide clear statements on the school’s bathroom/locker room/overnight accommodations policy. Also, read your school’s **anti-bullying** policy carefully (or check your state law for anti-bullying directives for schools). These policies may also specifically discuss gender-identity, which is a sign private spaces might be open to the opposite sex.
- If your school has a policy that allows transgender-identifying students access to opposite-sex bathrooms, locker rooms, hotel rooms, or other private spaces, you can request the school provide your child access to a single-stall restroom, nurse’s bathroom, or staff bathroom. Your school may also have other alternative solutions to make sure your child feels safe.
- Record all incidents your child encounters in a sex-segregated private space that cause you concern. If you have any discussion with school personnel regarding this issue, keep detailed records for future reference.
- Write a letter/ send an email to the school board requesting that *all* children’s rights are respected, and encourage other parents to do the same.
- Most states require that school boards allow members of the community to voice their concerns. Find out when these opportunities are available for you, and speak at your local school board meeting.
- If school board members vote to support a policy allowing students of the opposite sex to access locker rooms and bathrooms, you have the power to hold these members accountable. Find out when they are up for election and vote against them — and vote for candidates who share your values.
- Talk to other parents and find out if other parents share the same concern that you do. Usually, you’ll find you’re not alone and your child is not the only one who feels uncomfortable in situations where schools elevate gender identity over biology. Parent voices are powerful, so join together in talking with the school principal, speaking out at school board meetings, and ensuring your child’s rights are recognized.
- Write letters to your state representative and share your concerns with them. Ask them to support or sponsor legislation that will protect *all* children in schools and not just a minority of students.
- Consider your school choice options in the “School Choice” section.

Parent voices are powerful, so join together in talking with the school principal, speaking out at school board meetings, and ensuring your child’s rights are recognized.



A young girl with a backpack is talking to an adult, whose arms are visible. The background is a warm, orange-toned image of foliage.

TALK to Your Child

One of the most important jobs for any parent is to educate and equip their children on essential topics, including sexuality and how they can protect their bodies. This education should start early, be age-appropriate, biblically sound and in the form of an ongoing dialogue with children. Here are some tips to help you open dialogue with your children.

Keep it Simple

When talking with your child, **keep it simple** and **relaxed**. As a parent, you are the *authority* in your child's life; but you don't have to be an expert on every issue — including transgenderism. Here are a few simple truths you can communicate to your child:

- God made humans in His image — male and female.
- Individuals are born either male or female.
- Boys and girls are different — both are important and valuable.
- Because we are made in God's image, we are valuable and worth protecting.
- Your body is good and was designed by God for a purpose.
- Some people get hurt and confused, and they don't like the way God made them.
- As a result, some people wish they were the opposite sex.



- Nobody can change from one sex to the other.
- Mommy and Daddy will help protect you.
- You can learn things to protect and take care of yourself, too.

In addition, teach your children that certain parts of their body are private, and we keep those parts covered and protected. When at school, if the bathrooms are open to opposite-sex students, encourage your child to go to the bathroom with a friend of the same sex. (If this is a problem at school, talk to your child's teacher or principal and explain why your child might not want to go to the bathroom alone.) Teach your child easy and basic responses if someone tries to see or touch private body parts inappropriately:

- **Say, "No."**
- **Walk away.**
- **Tell Mommy and Daddy (or other trusted adult).**

Keep It a Dialogue

When children ask questions, use the occasion to connect with them. Find out what they are learning, where they learned it and what they are thinking. Ask questions, such as:

- *Where did you see that?*
- *Where did you hear that word?*
- *Why do you think God made both boys and girls?*
- *What do you think “transgender” means?*
- *Do you think a boy can really turn into a girl?*

You may feel angry and upset at the school, and your children may sense this. Reassure your children that you are not angry with them, but that you’re not happy about what you just found out. Let them know it’s okay to come to you and talk about these things and that you will protect and care for them.

Explain to your children that not everyone will agree with your family on these issues. Encourage them to be kind and respectful toward those struggling with gender confusion, while holding to the reality that there are two sexes — male and female. You and your family will need grace, wisdom and courage as you stand for truth about the biological reality that humans come in two types — male and female.



Be kind and respectful toward those struggling with gender confusion, while holding to the reality that there are two sexes — male and female.

Older children and teens may have more questions, so we have a list of helpful resources [here](#). You might want to read some of these additional resources first, then read and discuss them with an older child.

Focus on the Family has developed helpful resources for understanding transgenderism and advice for parents discussing this, and other sexuality issues, with their children:

- [How to Talk To Your Children About Homosexuality: A guide for parents](#)
- [Launch Into the Teen Years](#)
- [When Transgender Issues Enter Your World: How Christians can respond with compassion, courage, truth](#)
- [Empowering Parents: A How-to Guide for Protecting Your Child’s Innocence and Your Family Values in Public Schools](#)
- [The Talk: Healthy Sexuality Education — Basic Goals and Guidance from Focus on the Family](#)



Family Policy Alliance, working with groups like Minnesota Family Council and The Heritage Foundation, has developed a resource for parents to understand more about the transgender issue, and especially its impact on children, teenagers, and schools. If gender ideology is impacting your family and school you’ll want to download or purchase your copy of **“Responding to the Transgender Issue: Parent Resource Guide.”**

Notes

- 1 Charlie Kirk (@charliekirk11), Nov. 21, 2019.
- 2 Dear Colleague Letter on Transgender Students from U.S. Dep't of Justice & U.S. Dep't of Ed. to Executive Agencies (May 13, 2016), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf> (*Archived Information*).
- 3 Alexis Lightcap, *My high school's transgender bathroom policies violate the privacy of the rest of us*, USA TODAY, (Nov. 29, 2018), available at https://www.usatoday.com/story/opinion/voices/2018/11/29/transgender-bathroom-debate-privacy-school-lawsuit-column/2123946002/?fbclid=IwAR1klV8srDx8HYvrClYZwMkWPjYKTCFTaQqC1_mML04ay64colug7Gc4.
- 4 Samuel Smith, *Most Americans Say Transgender Bathroom Policy Should Be Based on Birth Gender: Poll* (June 26, 2019), available at <https://www.christianpost.com/news/most-americans-say-transgender-bathroom-policy-should-be-based-on-birth-gender-poll.html>.
- 5 Valerie Strauss, *CDC: Nearly 2 percent of High School Students Identify as Transgender—and More Than One-third of them Attempt Suicide* (Jan. 24, 2019), available at <https://www.washingtonpost.com/education/2019/01/24/cdc-nearly-percent-high-school-students-identify-transgender-more-than-one-third-them-attempt-suicide/>.
- 6 NSOPW, *Questions & Answers About Sexual Assault and Sexual Offending. Question: Who are the People Who Sexually Abuse?*, DEP'T OF JUSTICE NATIONAL SEX OFFENDER PUBLIC WEBSITE, available at <https://www.nsopw.gov/en/SafetyAndEducation/QuestionsAndAnswers#QuestionsAndAnswers>.
- 7 CDC, *Violence Prevention: Prevention Strategies*, available at <https://www.cdc.gov/violenceprevention/sexualviolence/prevention.html>.
- 8 Stephen Sawchuk, *More Schools Are Reporting Serious Violence and Hiring Police* (July 25, 2019), available at <https://www.edweek.org/ew/articles/2019/07/25/more-schools-are-reporting-serious-violence-and.html>.
- 9 California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Jersey, Nevada, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, D.C. are states that provide protections based on gender-identity.
- 10 Relevant Language of Title IX declares: "No person in the United States shall, on the basis of 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. . . ." 20 U.S.C.S. § 1681.
- 11 Dear Colleague, *supra* note 2.
- 12 Dear Colleague Letter Rescinding Transgender Student Letter from U.S. Dep't of Justice & U.S. Dep't of Ed. to Executive Agencies (Feb. 22, 2017), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201702-title-ix.pdf>.



Protecting **YOUR** Child

ON SPORTS TEAMS

THIS SECTION IS
ENDORSED BY:

**SAVE
WOMEN'S
SPORTS**

In this section...

- 54** What's Happening In The Schools
- 55** Why You Should Be Concerned
- 56** Know The Facts
- 57** Know The Law
- 58** Know Your Child's Rights
- 59** Ways To Protect Your Child
- 60** Talk To Your Child



"The issue of males competing in female sports is a serious threat to women. We need to protect the rights, privacy, and safety of the future generations of females. If we continue to allow males to compete as females, female sports will cease to exist. We applaud Family Policy Alliance's and Focus on the Family's efforts to Save Women's Sports."

BETH STELZER, FOUNDER, SAVE WOMEN'S SPORTS



What's **HAPPENING** at School

My Child And Sports

Some school districts are allowing transgender-identifying students to play on the sports team of their choice, rather than reserving girls teams for girls and boys teams for boys, for the sake of appeasing activists with a political agenda.

The world of sports is filled with eligibility requirements. Student-athletes must maintain a certain GPA to be eligible to compete. Wrestlers have weight classes. Competitive teams often require skill and talent. And, one must be female to play on a female sports team and male to play on a male sports team.

Girls and women's sports should be reserved for females. Boys and men's sports should be reserved for males.



“The ACLU once championed girls sports— now they want to turn boys into girls sports champions and relegate girls to spectators in their own sports. Our girls deserve better.”²

JASON FRIELING



Never before have these basic requirements been challenged – particularly not the most fundamental of them all, biological sex requirements. Unfortunately, there are now several legal battles on the issue in several states. For example, in Connecticut, two boys (who identify as girls) ran championship races on their school's *girls* team. They demolished the girls in competition and stole several championship medals, denying female athletes the opportunity to win. Even an elite *Olympic* female champion in track often cannot match the times achieved by *high school* male athletes.¹ So how can high school girls possibly be expected to compete fairly against high school boys? They can't.

Recently, the federal government has repeatedly stood behind the rights of girls to have their own teams, citing that transgender policies are unfair and violate the Title IX education law that ensures females have the same access to educational and athletic opportunities as boys. The Department of Education even sent a letter to Family Policy Alliance and Focus on the Family, reassuring our ministries – and all Americans – that it is a priority to protect the integrity of Title IX and girls athletic opportunities.³

Why Should I Be Concerned?

Boys playing on girls sports teams is fundamentally unfair for several reasons.

First, when a boy competes on a girls sports team, he inherently changes the nature of the competition and steals athletic opportunities reserved explicitly for girls. Boys who have already gone through puberty have a biological advantage over girls, regardless of whether the boy is currently taking female hormones and medication to block testosterone. Boys are bigger, with more muscle mass and muscle strength. They have larger bones and greater cardiovascular capacity. Once a boy has gone through puberty, testosterone blockers and female hormones don't change this. These advantages make it next to impossible for even an *elite* female athlete to beat even an *average* boy athlete.

And when the boy wins, as he generally will, he is stealing a podium spot, athletic opportunities, scholarship money, recruitment opportunities, and all the benefits of playing

This is great news! Unfortunately, many schools already have policies allowing transgender-identifying students to play on the team that matches their gender identity instead of their biological sex. And, this support for separate boys and girls sports could be gone with an administration that supports boys who believe they are girls taking slots on a girls team.

Girls and women's sports should be reserved for females. Boys and men's sports should be reserved for males.

on a team, from a girl. The reason why the boy is *stealing* the girl's spot is because he already has an equal opportunity to play fairly on a *boys* team, where he is entitled to a fair playing field and equal rewards. By instead choosing to play on a girls team, he significantly increases his odds of winning purely due to biological advantages.

The issue of *girls* playing on boys sports teams has not become nearly as explosive as the opposite situation for a few reasons. **First**, there are not many cases where girls choose to play on boys sports teams, so in terms of numbers, the problem doesn't come up as often. **Second**, if a girl *does* play on a boys sports team, she is typically not dominating her teammates or competitors, and her male teammates are still, in most instances, able to beat her in a competitive sport.

However, the issue of girls who identify as boys and are taking testosterone while competing against fellow females is a growing problem.⁴ Just as when boys are permitted to compete on girls teams and create unfair playing fields for girls, girls who are taking testosterone as part of a gender transition regimen gain an unfair competitive advantage over their fellow female athletes.

"I am really concerned about fairness in sports and that my granddaughter may have to compete against someone that has a biological advantage over her."

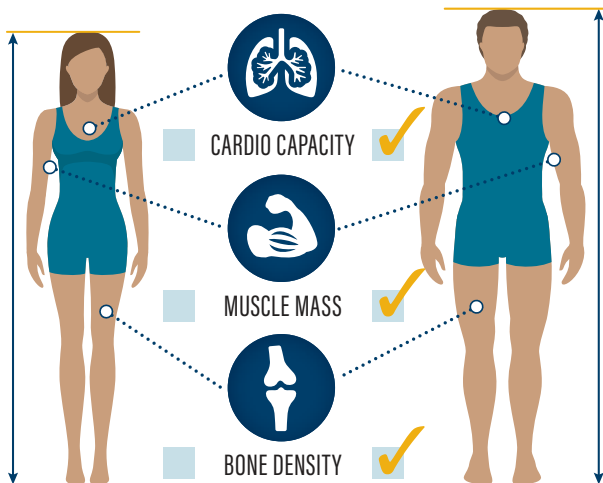
LAURA, NEW JERSEY

Get INFORMED

Know the Facts

- There is a substantial difference in the athletic performance of biological males and biological females, which for reasons of fundamental fairness, is why many school and professional athletic teams are segregated by sex.⁵

Physiology of Men vs. Women



- Testosterone is not the only thing that gives boys an advantage. *Even* if a boy is taking drugs to lower his testosterone levels (e.g., cross-sex hormones), he still has a performance advantage over girls because he naturally has longer and stronger bones (giving him a height advantage), greater bone density (making him less likely than girls to get injured in some respects) increased muscle mass, and greater cardiovascular capacity than girls.

- Allowing boys to play on girls sports teams denies girls the opportunity to compete in events that are exclusively female and puts them at a competitive disadvantage.
- When biological boys play on girls sports teams, they are highly likely to win—stealing girls team spots, scholarship opportunities, recruitment opportunities, championship spots, and more.
- When schools allow boys (who say they're girls) to play on girls sports teams, it's often because they have a policy prioritizing gender-identity over biological sex. This means the school might claim it would be discriminatory, illegal, or bullying to deny the transgender student the opportunity to play on girls sports teams. Voicing your concerns to the school, while a good thing, might not move the needle much. Consider taking more proactive action by seeing the How to Protect My Child section.

- Title IX is a federal civil rights law enacted with the specific purpose of protecting *girls* from discrimination in education. And while boys have benefited from this law, the law radically changed the landscape of *girls* sports. Before Title IX, girls sports were very much an after-thought – underfunded with few competitive opportunities for girls in school and almost no college scholarship or recruitment dollars being distributed to girls or female teams. Policies that allow boys to play on girls sports teams are a federal Title IX issue.

Know the Law

Relevant Federal Law:

STATUTES

Title IX (Title Nine):⁶ *Schools that reference “federal law” might be thinking of this law.* Title IX was part of a suite of civil rights laws passed in 1972 to protect women and girls by ensuring they have equal access to educational and athletic opportunities with boys. It’s good to mention Title IX when you communicate with school officials (e.g., if you testify at school board meetings or write letters to the principal) and remind the school Title IX (federal law) specifically *permits* schools to allow competitive and contact sports to be segregated based on sex. It is a deep twisting of the law for political activists to claim Title IX allows boys to steal athletic opportunities from girls.

FEDERAL RULES AND REGULATIONS

2020 Department of Education Impending Enforcement

Letter: This is a strong citation to use as you advocate for your child to play on an all-girls or all-boys sports team. The Federal Department of Education issued a letter concluding that biological boys have inherent physical advantages over girls. They found that when boys are allowed to compete on girls sports teams (through the school’s, school district’s or interscholastic league’s transgender policies) girls experienced a loss in benefits and opportunities such as “advancing to the finals in events, higher level competitions, awards, medals, recognition, and the possibility of greater visibility to colleges”⁷

45 CFR § 86.41 – The Department of Health and Human

Services: This is a federal regulation supporting Title IX. It prohibits discrimination on the basis of sex but specifies that educational institutions may have separate teams for members of each sex if selection is based upon competitive skill or if teams are competing in a contact sport. This is important to know when talking with school officials because this demonstrates that federal law and regulation have *long* recognized the fundamental differences between boys and girls in sports.



*When biological boys play
on girls sports teams,
they are highly likely to
win – stealing scholarship
opportunities.*

34 CFR § 106.41(a) – The Department of Education:

This federal regulation explicitly prohibits discrimination on the basis of sex. But if the sport is a competitive or contact sport, this law permits sex-segregated teams in sports. This is a good regulation to use in testimony to prove that even the federal Department of Education’s own regulations declare it is *not* discrimination to prohibit boys from playing on sports teams with girls.

SUPREME COURT DECISIONS

O’Connor v. Bd. Of Ed., 449 U.S. 1301, 1307 (1980):

If certain sports teams do not have “gender-based classification in competitive contact sports, there would be a substantial risk that boys would dominate the girls’ program and deny them an equal opportunity to compete in interscholastic events.” This case might be useful to quote in more formal advocacy efforts like letters and testifying.

Bostock v. Clayton, 590 U.S. __ (2020): *This Supreme Court Decision might not come up. But if school officials or school board members do bring it up, you can be prepared by reminding them this decision does **not** apply to schools.*

The *Bostock* decision stated that it was “discrimination on the basis of sex” for employers to fire gay or transgender employees on the basis of gender identity or sexual orientation. Some school officials might use these decisions to justify their policies that allow students into the private spaces of the opposite sex based on gender-identity. So, it’s good to know this Supreme Court decision *only* applies to employers and does not apply to schools and their activities, or locker room and bathroom policies!

In fact, the Department of Education reassured Family Policy Alliance and Focus on the Family—and all parents—that the *Bostock* opinion has no bearing on school sports, stating: “The Supreme Court’s opinion in *Bostock* does not affect the Department’s position that its Title IX regulations authorize single-sex teams based only on biological sex at birth – male or female – as opposed to a person’s gender identity.”⁸

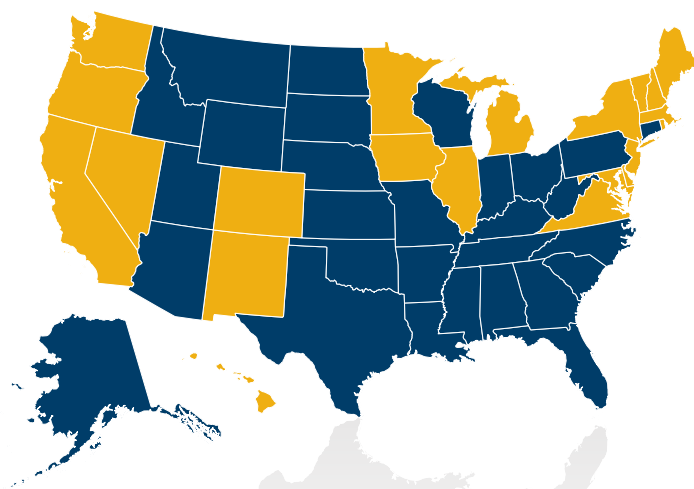
Relevant State Law:

“Fairness in Women’s Sports” Law:⁹ Idaho was the first state in the nation to pass a law specifically declaring biological boys cannot play on any sports teams that were designated for biological girls in 2020. This law is referred to as “Fairness in Women’s Sports.” It is currently being challenged in the courts by transgender-identified activists and their allies. Other states have considered similar legislation.



“I played basketball and soccer in high school. It was a fight for women to have their own teams. My mom did not have the options that I had. It was a fight to get girls sports. Please do not let them go away. #savegirlssports”¹¹

JENIFER PEPLING



State Anti-discrimination Laws: As of June 2020, 21 states¹⁰ in our country (shown in gold in the map above) would allow transgender-identifying boys to play on girls sports teams due to their anti-discrimination laws that provide special privileges to transgender-identifying individuals. The fight is not over, as the federal government could begin cutting funding to schools that disadvantage female sports by allowing the participation of males. Or, an administration change could move the federal government the other direction – penalizing states that don’t allow athletes to compete as the sex they believe they are.

Know Your Child’s Rights

- For reasons of fundamental fairness and safety, girls have the right to play on a sex-segregated team that does not include biological boys. Courts have recognized there are fundamental physical differences between boys and girls that give boys a biological advantage in most sports. This is why we have sex-segregated teams in public schools and professional sports.
- The Supreme Court has stated when it comes to competitive contact sports, boys and girls have the *right* to compete on sex-segregated teams.
- Your child has the right to be safe and protected in school, including when playing sports. If a girl is playing a contact sport with a biological boy on a *girls* team, the girls are at a higher risk of being injured.


BE YOUR CHILD'S CHAMPION

Ways You Can Protect & Advocate for Your Child

- If your daughter is directly affected by these policies, do not be afraid to share your concerns with your daughter's coach and/or principal. Connect with other parents and encourage them to share their concerns with the coach as well. Record your interactions and what is said. This may come in handy if you feel the need to file an official complaint.
- Talk to individual school board members when possible. Have face-to-face conversations at lunch, coffee, or somewhere outside the board room setting. Find out the board member's position on the issue and the reasons for it. This will help you specifically address the intent and concern of the board member.
- Testify at your local school board meeting. See if other parents share your concerns and ask that they also be willing to testify at the school board meeting. It helps to put your testimony in writing. Use some of our "Know Your Facts" and "Relevant Law" cases to help you state your argument clearly. You can read your testimony at your school board meeting, give a verbal testimony, or both!
- This may seem like a huge step, but if your school is refusing to budge and your child has been or is being harmed by your school's transgender sports participation policy, you can file a complaint with the Federal Department of Education. The federal Department of Education recently declared it is fundamentally unfair for transgender-identifying boys to play on girls sports teams. See "2020 Impending Enforcement Letter" in law section.
- If, for example, your daughter lost a winning spot because a boy won, or your daughter was next in line for a spot on the team but a boy has been selected for the team, you can file a complaint with the Federal Department of Education. This federal government agency enforces federal law in schools that receive federal money (which is virtually every public school in America).
- Write to your state representative and senator and ask them to support or sponsor their own version of Idaho's Fundamental Fairness in Sports Act.



Part of the Save Girls Sports campaign by Family Policy Alliance to increase public awareness, support, and expansion into other states of Idaho's Fairness in Women's Sports Act.



TALK to Your Child

Transgender ideology has rapidly moved toward acceptance and celebration in our culture. Many in media, business, advertising, politics, entertainment, and academia now promote and applaud those who identify as the opposite sex. In addition, transgenderism has become something of a fad among adolescents and teens today.

The 2016 Minnesota Student Survey showed that 2.7% of teens identify as “transgender and gender nonconforming.”¹² The U.S. Centers for Disease Control and Prevention, using data from the Youth Risk Behavior Surveillance System, found that 1.8% of the high school students they surveyed in 2017 identified as transgender.¹³ This is a huge increase from previous medical reports that show gender dysphoria ranging from 0.005% to 0.014% of men and from 0.002% to 0.003% of women.

Even children’s cartoons promote transgenderism — so it’s no longer a question of *if* your children will encounter this issue, but rather *when* they’ll be exposed to gender confusion. So now, more than ever, parents should be talking to their children about the truth about biological sex — that humans come in two forms, male or female. Both are good and both are valuable, but they are distinct and different.

People of faith should teach their children about God’s design for humanity. God created us in His own image and likeness and separated humans into two sexes, male and female. Each is distinct and valuable. Both separately and together, men and women reflect the image and likeness of God.

Not only does Moses write about this in Genesis, but Jesus and the Apostle Paul also point to the male-female creation as a foundational truth. You can make this a foundational

truth in your children’s lives, too, before they are exposed to the growing transgender trend.



Even children’s cartoons promote transgenderism — so it’s no longer a question of if your children will encounter this issue, but rather when....

If your children are older, and they encounter those of the opposite sex in sports events, here are some things you can do to help them. Generally, this will be daughters encountering boys who think they are girls, either trying out for the girls team or playing for an opposing team. If a boy wants to play on your daughter’s team, she may not want to remain on the team. Talk through the decision with her, and let her know that you love and support her no matter what.

Some parents may feel so strongly about this that they remove their daughter from the team. If that’s the case, you’ll

have to talk through with her why you've made that decision. And you may want to look into club sports as another option.

If she remains on the team, you'll have to discuss with her and the school what provisions they'll make for her privacy and safety. Sadly, in many cases, the gender-confused boy is allowed to use girls facilities. The onus is often on biological females to ask for separate locker rooms, restrooms, and showers if they don't want to be exposed to male bodies.

But there have been girls, who believe they are boys and are taking male hormones, who have competed against girls. This can happen were a state or school district does not accommodate transgender athletes, and it is unequally unfair. The girl will have elevated testosterone levels, giving her a clear advantage over other girls.¹⁴ Again, you and your daughter will have to decide about competing against girls who take male hormones.

What to Say

Here are a couple things to discuss with daughters facing these issues:

- **Affirm your daughter in her femininity** and in her understanding that boys and girls are different. There is tremendous pressure on young people today to embrace transgender ideology. Help her—and even her fellow athletes—understand that there are inherent biological differences between boys and girls, and that someone can't change their bodily sex through beliefs, clothes, drugs, hormones, and surgeries. Every cell in the body is XX or XY, and there are thousands of genetic, sex-based differences between males and females. Explain that Title IX was passed because of these differences—creating a level, but separate playing field in athletics and activities for girls and women.
- **Acknowledge and affirm your daughter's emotional responses.** It's not right and it's not fair that boys are allowed in girls sports. Your daughter may cycle through a whole series of emotions as she grapples with this injustice. You can be a tremendous help as she works through her thoughts and feelings about this situation.

- **Help your daughter work through to forgiveness**, as Jesus calls us to do. This will probably take time, prayer, and engaging the will, as you and your daughter forgive the gender-confused boy, the school district, state and school leaders, and individuals who don't understand the truth about the distinct differences between the two sexes.
- **Encourage your daughter to stand for truth** and to be gracious toward those who will disagree with her. You and she will need wisdom and courage to hold onto the truth about biological sex differences—in a world that increasingly embraces transgender ideology.
- **Become an advocate for your daughter**, and let her know you are advocating for her. You're also fighting for equity for girls and women everywhere who have worked to succeed in girls and women's athletics. Some ideas and tools for this advocacy are listed above. You may not win the battle, but you will be a force for truth on this topic.

Focus on the Family has developed helpful resources for understanding transgenderism and advice for parents discussing this, and other sexuality issues, with their children:

- [How to Talk To Your Children About Homosexuality: A guide for parents](#)
- [When Transgender Issues Enter Your World: How Christians can respond with compassion, courage, and truth](#)
- [Empowering Parents: A How-to Guide for Protecting Your Child's Innocence and Your Family Values in Public Schools](#)
- [The Talk: Healthy Sexuality Education — Basic Goals and Guidance from Focus on the Family](#)
- [Talking to Your Children About Transgender Issues](#)
- [Transgender Resources](#)

Notes

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- 13 Centers for Disease Control and Prevention, *Health Considerations for LGBTQ Youth*, available at https://www.cdc.gov/healthyyouth/disparities/health-considerations-lgbtq-youth.htm?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fhealthyyouth%2Fdisparities%2Fsmy.htm.
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Protecting **YOUR** Child

DURING LUNCHTIME, FREE-TIME, OR IN STUDENT-RUN CLUBS

In this section...

- 64** What's Happening In The Schools
- 65** Why You Should Be Concerned
- 66** Know The Facts
- 67** Know The Law
- 68** Know Your Child's Rights
- 69** Ways To Protect Your Child
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“When 5-year-old Gabriella Perez innocently bowed her head over her lunch at school, she was stopped by a school employee, and told ‘it was wrong to pray.’”¹

LIBERTY INSTITUTE



What's **HAPPENING** at School

Students' Rights Are Being Violated

Chase was a senior at Pine Creek High School in Colorado Springs, Colorado. Since his freshman year, he had been leading a small group of students who wanted to pray for the needs of fellow classmates and their school, during non-instructional time. One day, a school official called him in and told him the group could no longer meet because of the “separation of church and state.” A year later, the school “dropped its ban on student religious discussion and expression during free time,” after Alliance Defending Freedom (ADF), a legal aid group advocating for First Amendment rights, filed a lawsuit against the district.²

A school district in Hardin County, Kentucky, “told faculty and staff that students in religious or political groups could not meet during the school day even though other student clubs meet at that time,” said First Liberty Institute, a legal aid group working to defend religious freedom. A high school in the district prohibited a Fellowship of Christian Athletes (FCA) group from meeting – at the same time, other student groups were meeting. According to First Liberty, the district

“further restricted FCA students’ access to school facilities by prohibiting student members from using the Public Announcement (“PA”) system and FCA’s access to bulletin boards though non-religious student groups have that access.” The school changed its stance after First Liberty sent a letter demanding that FCA have the same rights as other student groups.³

Woodlake Avenue Elementary, in Woodland Hills, California, told first-grader Deven DeBow he could not share a Christmas song with classmates during “show and tell.” DeBow wanted to perform a song about the shepherds in the Christmas story and give flyers to students about the upcoming performance of the song at his church. His teacher confiscated the flyers and said that DeBow would not be allowed to share his song because ‘not everyone believes in the God you do.’ The school relented after ADF sent a letter explaining the school’s violation of DeBow’s First Amendment right to free speech.⁴

Sadly, these aren’t isolated cases. Across the country, students are finding their First Amendment rights curtailed by teachers, schools, and school districts.

Bible studies or prayer times during lunch or free times. Student-led prayers have been banned at graduation ceremonies. Political and religious clubs have been denied the same privileges as other student organizations. Students have been forbidden to distribute candy canes with messages about Jesus and Christmas.

Sometimes the attacks on free speech, religious freedom, and freedom of association come from school officials and teachers who don’t understand what the law allows when it comes to these issues. Other times, the threat is from a student, parent, or school employee who files a complaint with the school or school district, or even with the courts. Other times the attacks

come from organizations outside the school—organizations like the Freedom From Religion Foundation (FFRF), the American Humanist Association, and the American Civil Liberties Union (ACLU). Here are just two examples.

- The ACLU tried to shut down voluntary, student-led prayers after football games in the Bloomfield Hills School District in Michigan. Alliance Defending Freedom sent a

letter to the school district explaining that banning such prayers infringes on students' First Amendment liberties.⁵

- A high school in South Carolina allowed students to vote on whether or not to have a prayer at its graduation ceremony. A student, with the help of FFRF, filed a lawsuit alleging the vote and prayer violated the Establishment Clause of the First Amendment.⁶

Why Should I Be Concerned?

Schools, teachers, and even parents have prevented students from saying prayer before lunch, before and after school, before and after sports events, or during recess or other non-instructional time.

Some schools have tried to prohibit students from distributing religious pamphlets or bringing their Bibles to school. Schools have prohibited student religious clubs from advertising on school bulletin boards. Student clothes and jewelry with symbols of faith are being banned from school property.

All these families of faith and conservative principles, with children in public schools, are facing ever-increasing censorship of their beliefs.

Families of faith and conservative principles, with children in public schools, are facing ever-increasing censorship of their beliefs.



This is a growing issue. In their resource *Undeniable*, First Liberty publishes a list of hundreds of attacks on student First Amendment rights in schools—from kindergarten through university.⁷ Without a doubt, there are many more such stories around the country that don't make the news or become legal battles.





Get INFORMED

Know the Facts

The U.S. Supreme Court issued a ruling in a school case involving free speech, where school principals had told students they could not wear black armbands to school to protest the Vietnam War. The Court famously said: *“First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. This has been the unmistakable holding of this Court for almost 50 years.”*⁸

Religious freedom in schools is usually exercised through speech, like-minded individuals assembling together, and other forms of expression such as clothing or jewelry. That liberty, however, must be balanced with the special setting and purpose of schools and the need to prevent disruptions that would impede the educational process.

The religious freedom portion of the First Amendment to the U.S. Constitution has two parts. The first part, **“Congress shall make no law respecting the establishment of religion...”** is referred to as the “Establishment Clause,” and it means neither the states nor the federal government can create an “official” religion or favor one religion or denomination over another.

The second part, **“...or prohibiting the free exercise thereof”** is called the “Free Exercise” clause, and it applies to organizations and individuals in all areas of American culture.

It’s the flip side of the Establishment Clause. In summary, the Establishment Clause prohibits the government from creating or favoring a religion, while the Free Exercise Clause forbids the government from preventing or outlawing how we practice our faith, within reason.

School administrators who get into trouble when handling religious freedom-related issues in schools seem to fall into one of three categories:

1. They are **openly hostile** to religion and any religious expression in schools.
2. They are **neutral**. However, they’re ill-informed about the religious rights of students and teachers. They then inadvertently, or because of legal threats from outside secular groups, violate the rights of students and teachers in the name of the Establishment Clause.
3. They **enthusiastically support** religious expressions – perhaps too enthusiastically. They can cross the line into advocating, endorsing, or participating in a particular religion or religious activity.

Finally, it should be noted there are many good, secular reasons for incorporating religious elements into public school curricula, such as studying the effect of religion on

the founding of America and performing religious music in well-rounded music programs. The Supreme Court has held that having a secular basis for including a religious element

in a government activity, whether it's in public education or a town Christmas display, makes the inclusion perfectly fine and not a violation of the Establishment Clause.

Know the Law

- **Students maintain their Constitutional rights of religious freedom, freedom of speech, and freedom of peaceful assembly.** These rights are still in operation at school, though there may be reasonable school limits.
- **Schools cannot prohibit or impede your child's free speech or their right to freely exercise their faith** *unless* your child's speech or faith practices at school cause a "material and substantial disruption" to the school's ability to educate students.⁹ (The disruption cannot be hypothetical or potential. Your child must *actually* be causing a disruption to education.)¹⁰
- **Schools are considered "limited public forums."** This means your child can't say *anything* they want, which is why schools can ban cursing, verbal bullying, etc. But your child still retains their right to "private religious speech." This means your school cannot prohibit your child from engaging in religious "speech," which can be verbal, written, or expressive. Examples would be your child speaking about their faith, writing about their faith, or expressing their faith through a school project, student club, or religious clothing or jewelry. Schools cannot restrict religious speech just because they may find it offensive or controversial.¹¹ In addition, all school rules must apply equally to students. (For example, a school couldn't prohibit just *religious* jewelry, but it could prohibit *all* jewelry.)
- The Supreme Court has ruled **schools must allow free speech "in the cafeteria, or on the playing field, or on the campus during authorized hours."**¹²
- **The school must be neutral towards religion.** The school cannot display a bias for or against a religion. Bias for religion could be if a public school allowed a Christian

Schools cannot restrict religious speech just because they may find it offensive or controversial.

prayer club to meet while prohibiting a Muslim prayer club from meeting. An example of bias *against* religion would be if a school allows students to form non-curricular clubs, like chess clubs, but prohibits your child from forming a Bible-reading club simply because it is religious in nature or because they find it offensive. Another example is if the school allows most student clubs to advertise on a school bulletin board but does not allow your child's religious club to advertise on the bulletin board. These are examples of the school showing hostility towards religion, which is prohibited by federal law.¹³

- **School-sponsored prayer is unconstitutional.** A school cannot mandate prayer or even write and distribute a prayer for students to recite, as the Supreme Court ruled in one case. This violates the Establishment Clause, which prohibits states from endorsing, favoring, or establishing a faith.¹⁴
- **Public schools cannot require students to engage in religious activities.**
- **Your school must ensure the right of students to engage in constitutionally protected prayer** or they risk losing their state funding.
- If your child's school grants **excusals** from class for nonreligious needs the school must also grant excusal from class for religious reasons.

Know Your Child's Rights



What students can do in school:

- **Your child has the right to engage in free speech at school**, provided their speech is not disruptive or against school rules. There are no rules that prevent your child from talking about their faith, beliefs, or thoughts on issues in the classroom, to friends, in the lunchroom, on sports teams, and more.
- In general, **students can voluntarily express their personal and religious beliefs** to their classmates through verbal or written expressions, as long as they follow school policy and do not engage in these activities during classroom or instruction time. Schools can enforce reasonable limits on times and locations for where students are allowed to distribute materials, but these regulations must be applied equally to all students.
- **Your child has the right to pray at school.** Your child can pray during lunch, before or after school, during other free time, and before or after a sporting event, provided they're not doing so in a disruptive manner. Student prayers are considered private, personal speech. They are allowed as long as they are student-led (rather than being teacher-led or school-endorsed), aren't disrupting academic instruction, and are voluntary — meaning no student feels coerced to participate.
- **Your child can start a political or religious club** if the school allows other non-curricular groups. If other clubs are allowed to advertise at school (e.g., distribute flyers, hang banners, or use a school's bulletin board), your child's club should have this right as well.
- **Your child can bring books to school that are religious, political, or even offer a different viewpoint from what's being taught in the classroom** just as students can bring other favorite books they are reading

to school. A student can read these during free time and even use these books in a class assignment as long as he or she does so in a way that is relevant to the subject the teacher has assigned and meets the requirements of the assignment.

- **Your child has the right to undertake religious activities of their own accord.** Students and religious clubs have equal access rights to participate in student-led events. Courts have said that school officials must remain neutral in how they treat students' activities and free-speech expressions.
- Your child has the right to be **free from bullying and harassment** for any reason.



What students cannot do:

- **Your child cannot disrupt instruction time.** While students have free-speech rights, they cannot abuse those rights in a way that prevents the school from accomplishing its core mission of providing academic instruction. For example, a student cannot interrupt a teacher's lesson plan to distribute information if that would be inappropriate.
- **Your child does not have the right to bully or harass other students.** Students do not have the right to force their classmates to listen to them. They *do* have the right, on the other hand, to invite other students to voluntarily participate in activities and student-led discussions.
- **Your child cannot ignore school policies.** It is a good idea to check for applicable school policies and notify school officials if your child plans to distribute materials, start a club, etc. While schools do have the ability to enforce *reasonable* regulations, they can't enforce them in a biased way.

BE YOUR CHILD'S CHAMPION

Ways You Can Protect & Advocate for Your Child

Free speech and the free exercise of faith are rights that belong to your child. They are not rights you can exercise for them. Though, as a parent, you still have the right to ensure that your child's rights are being respected while on school grounds. If your child's rights are not being protected, there are ways you can protect and advocate for your child!

- If your child's free speech rights and free exercise of religion rights are being trampled, be sure to talk to your child's teacher or principal to seek a quick and amicable resolution. Let them know the law (as they may not be aware), and inform them of what you'd like to see happen. *Be respectful and clear.* It's also always a good idea to put your concerns and solutions in writing. Ask for the school to also place in writing what actions they plan to take.
- If your child is being required or coerced to engage in religious activities by school staff, share your concerns with your child's teacher and/or principal. Public schools are not allowed to provide religious instruction, though they may teach *about* religion. Let them know the law and what you'd like to see happen.




- If your child's school has denied them an excusal from class for a religious activity or observance, this is a violation of your child's constitutional rights. You may talk with your school principal to request an excusal. Your child's school must take immediate steps to remedy religious discrimination.



If school staff or the principal refuses to take action to respect the constitutional rights of your child, it may be time to do one or more of the following.

1. You can file a complaint with your state department of education.
2. You may also reach out to your state's office of civil rights to find out the procedure for filing a complaint for constitutional rights violations.
3. You may seek a civil rights attorney who might need to do as little as submit a letter of demand to the school to comply with the law. (Seeking legal counsel often results in the quickest action if a school/school board is unresponsive to your written concerns and requests. See our Resources Appendix for legal aid groups.)
4. You may also be able to file a complaint with the federal Office of Civil Rights with the U.S. Department of Justice.
5. You may also file a complaint with the Office of Civil Rights of the U.S. Department of Education if your child is being treated negatively because they belong to a certain faith.



TALK to Your Child

Here are some ideas for things to discuss with your children about these important constitutional rights.

Talk with your children about the Constitution and the Bill of Rights, two of our nation's founding documents.

Explain that we are a nation of laws, and those laws include certain God-given rights, such as freedom of religion, speech, and assembly. Explain, too, that none of these are absolute – we don't have the right to say what we want, whenever we want. Children love to claim, "It's a free country!" But that doesn't mean we can slander other people, shout "fire" in a crowded theater, or disrupt school lessons whenever we want.

Explain that rights come with the responsibility to exercise them appropriately.

So, they can't jump up in the middle of class and start praying or reading the Bible out loud, but they can do this during free time, lunch, recess, before school, and after school. They can also pray silently in the classroom. Teach them, too, that we should respect other people's rights, even when we strongly disagree with them.

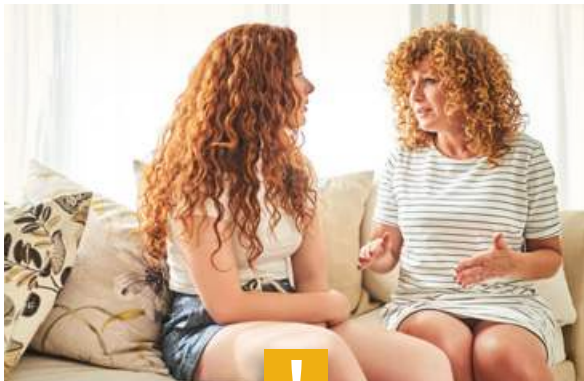
As your children grow and learn, teach them – and model by your own example –

that all people are worthy of love, kindness, and respect.

Let them know, too, that we live in a world with competing worldviews, and the Christian worldview is in direct conflict with the secular worldview that dominates much of our culture – including schools, curriculum, and textbooks. Prepare them for the fact that they may face hostility for expressing their beliefs and opinions. Given that animosity, they'll need your

help thinking and speaking about these issues with grace, truth, wisdom, and courage.

When encountering opposition, disagreement, or obstacles, it is extremely important to remain respectful and loving – at all times. You can explain and demonstrate this at home when children face disagreements with family and friends. If a principal or teacher (or someone else in authority) prohibits them from exercising their free speech or religious freedom in a reasonable way at school, teach them that they still must be respectful – even if they're hurt, upset, and angry. They also should stop their activity – immediately.



!

As your children grow and learn, teach them – and model by your own example – that all people are worthy of love, kindness, and respect.

Work to maintain an open, ongoing dialogue and healthy relationship with your children. Ask them to come talk with you if an incident happens at school, then document the exchange as soon and as accurately as possible. If the school official or teacher is punitive or unreasonably angry, help your child maintain their calm, as much as possible, and let them know you will help resolve the issue.

Your children can politely tell teachers and school officials what you've taught them about their freedoms on campus – or they can wait, come and talk to you, and go back and explain the issue to the teacher or administrator. If they know they are within legal bounds – praying on their own, talking with a friend at lunch about religion, leading a school-approved club – they can request the teacher or official check with a supervisor or school attorney (see Responding to Challenges for more details).

If the issue escalates, let your child know that you will advocate for them. First, talk to the school and explain your child's legal rights. If the response is not satisfactory, contact a school board member. If the situation does not resolve with these lower-level measures, you might want to contact a First Amendment legal aid group—see our Resources Appendix for a list of legal groups.



Bring Your Bible to School Day, a student-led movement, often receives challenges and obstacles from schools. You can find articles and resources explaining how students and parents can respond to challenges. While these are specifically directed toward Bring Your Bible to School Day, they have helpful ideas for dealing with other First Amendment issues in school:

- [Fast Facts About Student's Rights](#)
- [Religious Freedom on Campus: What Students Can and Can't do](#)
- [Legal Memo on Students Rights](#)



For more on these issues:

- [Department of Education: Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools](#)
- [Alliance Defending Freedom: Student Rights Handbook \(downloadable\)](#)
- [Alliance Defending Freedom: Students' Rights](#)
- [Focus on the Family: Religious Freedom – Protecting how we practice our faith](#)
- [Gateways to Better Education: National Free to Speak Campaign](#)

Notes

- 1 LIBERTY INSTITUTE, *In the School*, available at <https://www.libertyinstitute.org/pages/issues/in-the-school/gabriella-perez>.
- 2 Read more about Chase at <https://www.focusonthefamily.com/episodes/broadcast/empowering-your-children-to-be-bold-in-their-faith/> and; <https://dailycitizen.focusonthefamily.com/former-colorado-springs-high-school-student-shares-story-of-fight-for-religious-freedom-in-the-oval-office/> and; <https://www.adflegal.org/press-release/colo-schoolrelents-prayer-ban-during-free-time>.
- 3 Read more about this case at <https://firstliberty.org/cases/hardin-fca/>.
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- 5 Alliance Defending Freedom, available at <https://www.adflegal.org/press-release/aclu-attacks-student-led-prayer-football-games>.
- 6 Jorge Gomez, *Undeniable: Faith on Trial in America*, FIRST LIBERTY (DECEMBER 6, 2019) available at <https://firstliberty.org/news/faith-on-trial-in-america/>.
- 7 *Id.*
- 8 *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).
- 9 *Tinker*, 393 U.S. at 509.
- 10 *Tinker*, 393 U.S. at 508.
- 11 *Morse v. Frederick*, 551 U.S. 393, 409 (2007).
- 12 *Tinker*, 393 U.S. 512.
- 13 *Bd of Educ. of Westside Cmty. Schools v. Mergens*, 496 U.S. 226, 249-50 (1990).
- 14 *Engel v. Vitale*, 370 U.S. 421 (1962).



Protecting **YOUR** Child

ON SCHOOL INTERNET, Wi-Fi, and Electronic Devices

In this section...

- 74** What's Happening In The Schools
- 75** Why You Should Be Concerned
- 76** Know The Facts
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- 78** Ways To Protect Your Child
- 79** Talk To Your Child



“My concern with my son, is the school issued laptop checked out to my 13-year-old 8th grade student at Horizon Middle School has no protections on the computer to prevent access to restricted content. (porn, violence, other content for adults only).”¹

RENEE, WASHINGTON



What's **HAPPENING** at School

Access to the Internet and WiFi

Virtually every school in America has internet-connected devices your child will have access to in order to complete their school work. This might be through traditional computer labs and classroom smart technology, schools requiring your child download apps and programs on their personal computers, or schools issuing your child a laptop or tablet to use for the entire school year. In any and all of these cases, it certainly pays to be an informed parent when it comes to your child and school technology.

Schools will almost always have their own Wi-Fi network through which your child can access the internet using their personal or school device. Federal law requires that schools engage filtering software. Unfortunately, this software can be very ineffective if schools are using old software or not maintaining and monitoring their system, which are problems that are all too common. So be vigilant and open and honest with your child about expectations and boundaries while online and encourage them to be open with you if they come across explicit or questionable content.

If your child does bring home school devices, your parenting instincts should remain alert. Just because a device is a school device doesn't mean it will have filtering software installed or activated. Along the same lines, if your child is taking a personal device to school and you have filtering or blocks engaged on your home internet, that same technology won't be available on the device when your child is at school.

Parents need to know how they can work with the school to provide the best protection for their children while using the most advanced technology of our time.



“A piece of his innocence was taken from him that day with no warning, no explanation and no malicious intent. My son was 11 years old when he was first exposed to pornography. It happened on a school device while he sat in a sixth-grade classroom.”²

AMY, OKLAHOMA



Why Should I Be Concerned?

We all know the potential harms an internet-connected device can present in the hands of young children and teens. This section is to help guide you in protecting your child from stumbling across violence, pornography, online bullying, profane sites, games, and other materials that are age-inappropriate and harmful for children.³

In one lawsuit, from Douglas County, South Dakota, a school employee sued a local school district because they weren't doing enough to protect young children from pornography. The lawsuit claims the school is in violation of a federal law that requires schools to actively protect children from explicit content online. The employee's suit further alleged that children as young as second grade were "able to access pornographic and inappropriate digital content on their classroom iPads" and an "unnumbered body of minors were accessing and were able to access pornographic and obscene materials daily."⁴

The school superintendent himself stated it's hard for schools to stay one step ahead of students who know how to work around safeguards, stay on top of updates, and find loopholes in their systems.⁵

In addition to the above concerns, the rampant increase in online streaming classrooms has caused some police departments to see an alarming uptick in students streaming pornography through their virtual classrooms (including on Zoom and Google Classroom). In March through May 2020, the FBI received more than 240 reports of child pornography streamed in Zoom meetings and classes, and that number is increasing rapidly as virtual classroom use has exploded due to the school shut-downs because of COVID-19.

It is vital that you, as a parent, are *crystal clear* with your child that sharing or streaming pornography online with other students is a crime. This is a crime *even if* the photo was sent by one of their classmates first or a pornographic picture was held up to a webcam. If the obscene photo/video involves an underage minor, a student is almost sure to be in even *more* trouble under the law. It also doesn't matter if the content was of *themselves* or someone they were *dating*. Sharing inappropriate images of underage minors or pornography

through a virtual classroom is not only a state crime, but a federal crime.

In August 2020, Henry County Police Department of Georgia put an alert on social media they have seen a spike in juvenile courts being filled with young people "who think they are pulling a prank" when in fact, "they're breaking the

law." The department pleaded with parents to educate and warn their children. They posted on Facebook: "Students: If you stream pornography, nudity, or any sexual acts in an online class, we will find you and charge you with life-altering charges."⁶ One officer stated many children think their actions are harmless. But children need to know this kind of behavior can ruin their lives. For these reasons and more, it is important to have internet safety conversations with your child and take steps to protect their safety!



Be vigilant and open and honest with your child about expectations and boundaries while online and encourage them to be open with you if they come across explicit or questionable content.

Get INFORMED

Know the Facts

- 98% of public schools are connected to high-speed internet.⁷ Many of these schools will have a school internet use and device policy manual that explains acceptable and prohibited uses for school internet and devices. These policies often make internet and device use a *privilege* for students. They are broad policies, covering inappropriate content, harassment, unauthorized use, tampering and hacking, and more.
- The school manual may also offer guidance to parents on how to engage filters, block certain websites, monitor websites visited, etc., and it may even provide suggestions for parental control apps and filters.
- Know exactly what online school devices your child has access to or have been issued to your child. Find out what the device/app/program is supposed to be used for, how often your child has access, if access is supervised, etc. Also, find out about how much time school assignments *should* be taking so you can better gauge when your child is spending too much time on their device.
- If your child has a school device, check to see if programs or apps can be downloaded onto the device. If so, make sure you are clear how the school monitors or safeguards their devices from inappropriate content.
- Your school most likely has filtering technology enabled on their school internet that protects internet-

connected devices at school. Be aware: Children are adept at getting around filters. Also, filters on school devices may not work when the child brings the device home *unless* the school has also downloaded blocking software on the device.



- Find out what your school's policy is for *personal* internet-connected devices like cell phones, smartwatches, and others. Keep in mind teachers might have students download class apps on their *own* smartphones, laptops, and tablets. Find out what these programs are, what they do, and, most of all, how your school ensures your child's safety *and* privacy on their device.
- One recent study discusses the alarming dependency of students on tablets and the creative abilities of youth to

get around parent and school limits. It also found some children had not discussed rules or limitations with their parents for the usage of internet-connected devices. The findings of this study suggest “that covert and unregulated use of tablet technology may have a detrimental impact upon children, particularly in relation to reduced social interaction, fatigue, and increased family tensions due to excessive usage.”⁸ These conclusions likely hold true for other electronic devices, particularly cell phones and laptops.

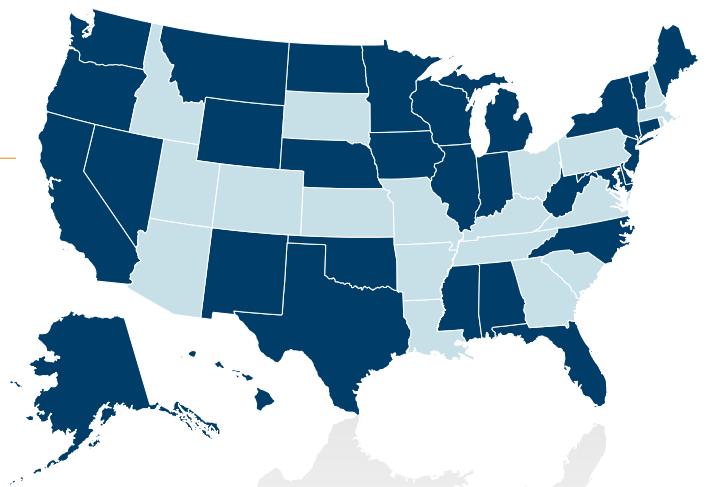
- Don’t forget about internet bullying and harassment on social media and other popular sites. The Department of Justice has found, through extensive research, the peak risk period for internet harassment is between the ages of 14 and 17, with girls more likely to be victims of internet harassment and bullying than boys.⁹
- Virtually all schools have anti-bullying policies that address cyber-bullying (internet bullying). Be aware of what the policy is and know internet bullying can be just as devastating to a child as physical bullying.
- Virtual classrooms can be hacked or ‘bombed’ by malicious users gaining entry into your child’s lesson, then posting or streaming harassing or explicit content. Make sure the school has safeguards against this type of activity, such as requiring passwords to enter a virtual classroom, not hosting public virtual classroom meetings, engaging “waiting room” settings to monitor classroom entrants, locking the meeting after it starts, and more.¹⁰

Know the Law

Relevant Federal Law/Regulation:

Children’s Internet Protection Act (CIPA):¹¹ This law requires schools (and libraries) that receive federal funding to have a policy regarding internet safety for minors and implement filtering software. This means virtually all public schools are required to have an internet policy and filtering in place. If your school does not have an official policy or internet filtering software, urge your school principal to make it a priority!

Children’s Online Privacy Protection Act (COPPA):¹² This is a federal regulation that prohibits website operators and app services from collecting personal information from children under 13. For example, website operators and app services that target children cannot track their personal data like GPS location, name, or birthdate without *verifiable* parental consent. Note: this law only applies to website operators and service developers, *not* internet service providers like Comcast or Google.




State Laws:

Blocking Software: Many states have laws requiring public schools to install blocking software that will protect children online from harmful content like obscenity (which includes already illegal content like child pornography and sexual abuse), pornography, nudity, violence, weapons advertisements, and more. States which require schools to have internet filtering and blocking software (shown in light blue in the map above) include: **Arizona, Arkansas, Colorado, Georgia, Idaho, Kansas, Kentucky, Louisiana, Massachusetts, Missouri, New Hampshire, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, and Virginia.**¹³

BE YOUR CHILD'S CHAMPION

Ways You Can Protect & Advocate for Your Child

- If your school does *not* have a safe internet usage policy, advocate for one! If your school has a parent-teacher organization, you can work with this group to help raise awareness on the importance of an official policy. You can also testify at your local school board meeting to encourage them to adopt an internet usage policy.
- Encourage the school to have students *sign* a paper agreeing to its internet and safety device policy, especially if they are bringing devices home. This helps to ensure the policy is reviewed at least verbally with all students, and students (including your child) have committed to understanding and following the usage policy.
- Some schools allow parents to *opt-out* of receiving a school device or decline to use certain technology. Exercise your options to protect your family as needed. If your school does not provide this as an option, talk to your child's teacher and school principal and ask for accommodations for your child. You can also testify at your local school board meeting and explain why it's important for schools to allow families to have a choice about whether they want their child to bring school devices home.
- If your school does not conduct parent trainings for school internet and device use, encourage them to provide them. Ask the school to also include information on recommending filtering and parental control software parents can download onto their child's personal devices and use at home. Let them know you would like more information on how your child is protected at school and how they can be protected at home while using school devices. For example, you may want to know how the school engages filters, what kind of content the filters block out, if device-use is supervised, and more. The school could go even further and take it as an opportunity to educate families on common social media sites and what the potential harms of those sites can be. For example, some parents might be surprised to learn seemingly harmless sites like Twitter, Instagram, Snapchat, and FansOnly, are rampant with explicit and pornographic content.
- When your child has their school device on campus, the websites are most likely filtered through the school's content filtering system. But when your child brings the device home, this system may not work. If the devices do *not* appear to have a filter, ask if you can download your own filter and website blocking technology. Ensure your home internet has filtering enabled. You can call your internet service provider to find out how. You can also purchase a special router that can minimize the amount of time your child is online and check screen content.
- When dealing with your child's personal devices, you can download filtering technology or parental controls to ensure your child is not using their device during class-time and not accessing websites or apps that your family has decided shouldn't be accessed while at school.
- If your school doesn't ban personal smart devices from the classroom, take action within your family to set expectations for your child's personal device use in schools.
- Talk to your child's teacher about how your child is doing in class with personal device use and other technology.
- If your state does not have a law requiring that schools implement internet filters and blocking software, contact your state legislator and urge them to sponsor legislation that will protect your child in schools!
- Never underestimate the power of talking to your child about family boundaries, expectations, what's not allowed, and what is expected. See next section "Talk to Your Child" for more!



TALK to Your Child

In addition to taking action with your school and with your own internet filters and blocking software, it's important to have a solid relationship with your children where you can talk openly about what they're doing and seeing online.

Let your children know that you love them and that you want to protect them. You don't want them to be anxious and fearful, but they should be aware that there are people who aren't safe, good and trustworthy—and some of them are online.

Older kids may feel indignant when you talk with them about internet use. Explain that there are people in cyberspace that you don't know and who don't have good intentions. Explain, too, that even good things—like computers and the internet—can be used for bad purposes and that people have been hurt by what they've seen and read on the internet. Tell your children that even school devices can be hacked and used for bad purposes.

upon their Twitter feed, Instagram feed, or website, or if He viewed their communications or surfing practices. Remind them, too, that you are monitoring their internet activity.

- **Think about long-term consequences.** Reinforce the value of a good reputation. Deleting content from a social networking site may not make it disappear permanently; some pages are actually archived and retrievable! Let teens know that college admissions staff members, or potential employers often look kids up online to get a feel for their character. In addition, teens need to realize that the words they write or pictures they post or send to others, even in jest, can leave lasting scars.

Urge Your Children To:

- **Maintain privacy.** Tell them not to post personal information, especially facts that would allow someone to track them down. And tell them not to post private information related to their family and friends. Remind them to limit who can see their posts to real life friends. Urge them never to divulge passwords, even to a best friend.
- **Maintain integrity.** Even “good” kids often check their morals and judgment at the keyboard. While they'd never stroll naked through a stadium, they might not think twice about posting suggestive photos of themselves. Encourage young people to consider how God would react if He came

Focus on the Family has developed a number of resources for helping families navigate internet technology:

- [Cyber Bullying](#)
- [Launch Into the Teen Years](#)
- [Plugged In Parent's Guide to Technology and Entertainment](#)
- [Take The Internet Safety Pledge!](#)
- [Talk with Your Kids About Online Safety](#)
- [Tech Support for Parents](#)
- [Virtual Choices ... Real-World Consequences](#)



If your children have been harmed by internet cyberbullying or exposed to online pornography, Focus on the Family offers phone consultations and referrals to resources and local counselors. To request a conversation with Focus on the Family's Counseling Department, call **1-855-771-4357**, weekdays from 6:00 a.m. to 8:00 p.m. (Mountain Time), or complete our **Counseling Consultation Request Form**. Please be prepared to leave your contact information for a counselor to return a call to you as soon as possible. The consultation is available at no cost to you due to generous donor support and will be with one of our licensed or pastoral counseling specialists.

Notes

- 1 Joe Beaulaurier, *Report of Students Viewing Pornographic Material on School-issued Computers Creates Concern*, https://myferndalenews.com/report-students-viewing-porn-school-issued-computers-creates-concern_52074/ (October 22, 2016).
- 2 Nuria Martinez-Keel, *'They want them gone': Norman parents complain of school devices*, <https://oklahoman.com/article/5652266/they-want-them-gone-norman-parents-complain-of-school-devices> (January 14, 2020).
- 3 NETSANITY, *Back to School: Protect Those Mobile Devices*, available at <https://netsanity.net/back-school-protect-mobile-devices/>.
- 4 Nathan Thompson, *Douglas Students Reportedly Access Pornography on School Computers*, RAPID CITY JOURNAL (Feb 11, 2020), available at https://rapidcityjournal.com/news/local/douglas-students-reportedly-access-pornography-on-school-computers/article_4ac81d00-decb-57df-bc62-68b6f0dd9c0b.html.
- 5 *Id.*
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- 7 EDUCATION SUPERHIGHWAY, *98 Percent of U.S. Public School Districts Connected to High-Speed Broadband, But 2.3 Million Students Still Left Behind*, available at <https://www.educationsuperhighway.org/announcements/98-percent-public-school-districts-connected-to-high-speed-broadband/>.
- 8 Hannah White, *'I cannot live without my [tablet]': Children's Experiences of Using Tablet Technology Within the Home*, COMPUTERS IN HUMAN BEHAVIOR, DOI 10.1016/j.chb.2018.12.043 (May 2019).
- 9 David Finkelhor, et al., *National Survey of Children's Exposure to Violence*, DEPARTMENT OF JUSTICE, 5 (2009) available at <https://www.ncjrs.gov/pdffiles1/ojdp/227744.pdf>.
- 10 Maxfront Technologies Ltd, *How to Prevent Zoom Bombing from Happening During Your Next Online Call*, (April 22, 2020) available at <https://www.facebook.com/maxfronttech/posts/2553019408271380>.
- 11 47 U.S.C.S. § 254(h)(5)(2000).
- 12 15 U.S.C.S. § 6501 (2020).
- 13 ARIZ. REV. STAT. § 34-502 (2020); ARK. CODE ANN. § 6-21-111; § 13-2-103 (2020); COLO. REV. STAT. §§ 24-90-404; §§ 90-601-606; §§ 22-87-101:107 (2020); O.C.G.A. § 20-2-324; § 20-5-5 (2020); IDAHO CODE § 33-132, § 33-1025, § 33-2741 (2020); KAN. STAT. § 75-2589 (2020); KY. REV. STAT. § 156.675 (2020); LA. R.S. § 17:100.7 (2020); A.L. MASS. 71 § 93 (2020); MO. REV. STAT. §182.825; § 182.827 (2020); N.H. REV. STAT. ANN. § 194:3-d (2020); O.R.C. § 33141.21L (2020); S.C. CODE ANN. § 10-1-206 (2020); PA. CODE 24 §§ 4601-4612 (2020); R.I. GEN. LAWS § 16-21.6-1 (2020); S.C. CODE ANN. § 10-1-205 (2020); S.D. CODIFIED LAWS § 22-24-55 (2020), TENN. § 49-1-221 (2020), UTAH CODE § 9-7-215 (2020); VA. CODE ANN. § 22.1-70.2; 42.1-36.1 (2020).



Protecting **YOUR** Child

IN SCHOOL LIBRARIES and on School Databases

In this section...

- 82** What's Happening In The Schools
- 83** Why You Should Be Concerned
- 84** Know The Facts
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- 85** Know Your Rights
- 85** Know The Law
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“Concerned parents raised the alarm in early September that many books incorporated LGBTQ themes in grades as early as kindergarten, including the promotion of Queer Theory concepts, as well as sexually inappropriate and even explicit language in other grades, including frequent descriptions of underage drinking, fondling, masturbation, orgasms, oral sex, sexual intercourse, sexual abuse, statutory rape, incest, and rape.”¹

THE GROUP — PARENT AND CHILD LOUDOUN

describing new additions to their school libraries

What's **HAPPENING** at School

In School Libraries

We know how important it is to raise children who have a love of reading. This is why most schools have their own libraries. Parents often expect school libraries to offer age-appropriate materials to their children and present controversial topics in fair and unbiased manners without undermining the values families teach their children at home.

Parents who browse school libraries today might be shocked to discover the content looks a lot like what one may find in a public library, including sexually explicit materials, pro-LGBT ideology, anti-Christian resources, and anti-conservative content. While this is deeply concerning, it might be an easier pill to swallow if school libraries also offered books that teach family values, advocate for abstinence (sexual risk avoidance), or have other socially conservative perspectives, but they often don't.

The picture is even more appalling for certain closed "research databases." Schools will often pay for "closed" database systems that are supposed to have an abundance of academic content that your child can use to research school projects and assignments. These private databases boast all the benefits of fact-finding available on the internet but claim to have none of the drawbacks. Schools *claim* your children will have a safer searching experience than if they were online because these systems are *not* connected to the internet. Yet, in many cases, this is false.

Closed database systems like EBSCO, Cengage, ProQuest, and Overdrive, have all been found to have sexually explicit content.² Since they are not connected to the internet, the content bypasses school internet filters. Some of these databases,



like EBSCO, have made it onto the National Center on Sexual Exploitation's (NCSE) radar as contenders for their "Dirty Dozen List" for pornographic content and obscene content.³

"EBSCO Information Services offers online library resources to public and private schools (K-12), colleges and universities, public libraries, and more. In its advertising for schools, it promises 'fast access to curriculum-appropriate content.' However, its Explora, Science Reference Center, Literary Reference Center, and other products, sometimes provide easy access to hardcore pornography sites and extremely graphic sexual content," says NCSE.

The organization adds, "The presence of such explicit material in a platform meant for children and teenagers to

use while at school or for homework, sends a particularly damaging message to young people that the behavior featured (examples include: group or hook-up sex, incest, ‘sugar dating’ and prostitution in order to pay for college) is normal and expected adult behavior.”⁴

Some school boards have gone as far as to remove these research databases from their schools entirely. Notably, these efforts were largely organized by concerned parents who were willing to speak out and persevere in the fight to have sexually explicit content removed.

Why Should I Be Concerned?

It can’t be denied that children are significantly shaped by their school experiences, including the lessons they are taught and the material to which they are exposed.

It is important the material our children are exposed to at school is *age-appropriate*. Yet, the bar for age-appropriate content is being set lower and lower by activists who want to push their sexual agenda on our children. This often explains why our children are stumbling upon books in the school library that celebrate sexual promiscuity, experimentation, and all manner of sexual relationships in material that is made available to younger and younger students.^{5,6}

Study after study reveals that pornography exposure at a young age can have a detrimental effect on the minds of children.⁷ Schools may justify the content and claim these books offer educational value, but that does not change the negative impact such content has on the developing child. Pornography doesn’t just mean explicitly sexual illustrations either. It also includes descriptions of sexual behavior. Pornographic content appears on the shelves of school libraries, particularly in LGBT sections. In addition, many states have laws that when it comes to minors, the type of content that can be harmful to them is broader than pornography alone and includes any type of content that parents might find offensive because of its patently sexual nature.⁸

When it comes to school research databases, parents and their children often encounter hard-core pornography. Parents need to know that in almost 90% of pornography videos, men are verbally and physically aggressive and hostile towards women.⁹ Pornography normalizes the abuse of women and creates unrealistic and unhealthy views of sex in children who have viewed it. Studies show pornography teaches boys to

objectify women, often in a violent and aggressive manner, and it teaches girls they should accept and like this.¹⁰



BE AWARE

- **Pornography creates brain pathways similar to those produced in drug addiction¹¹ and can be just as addictive and harmful as cocaine.¹²**
- **Pornography use amongst teens can negatively impact their “sexual risk taking, sexual functioning, body image, sexual objectification, and sexual aggression.”¹³**
- **Pornography teaches adolescents, particularly boys, their sexual urges can and should be gratified instantly, however and whenever they want, at all costs, whether violently, forcefully, or obscenely and in illegal ways.¹⁴**
- **Finally, only 12 percent of parents know their teens are accessing pornography.¹⁵**

BOTTOM-LINE Pornography has no place in school libraries or online databases. Parents already must be vigilant about their children’s internet use, engaging filters, and blocking websites. The last thing parents should have to be concerned about is their children stumbling upon pornographic content in the school library or research database.



Get INFORMED

Know the Facts

- Parents are finding controversial material in school libraries across the country that include materials available to students with excessive profanity, rape, statutory rape, objectionable sexual acts, graphic illustrations, and more.¹⁶
- Large and popular school databases, like EBSCO and GALE, have been known to have pornographic and other explicit content available to students. EBSCO was even sued for explicit content, and many school districts have removed EBSCO from their schools.¹⁷

Note: EBSCO is also wildly popular in public libraries on child/student accounts.

- Usually, school boards have criteria for selecting books for their collection. Parents should have the right to see the requirements for the school's book collection.

With the criteria in hand, you may find it easier to make arguments against the selection of a particularly offensive book.

- A critical part of adding books to a school library is receiving community input. Make sure your voice is heard! Contact your school and/or school board for information on whether they provide the opportunity to join a book collection review committee or one that reviews potential research databases.
- Children are harmed by being exposed to pornography and other obscene content. Pornography harms children by leading to increased rates of depression, anxiety, acting out and violent behavior, younger ages of sexual activity, sexual promiscuity, increased risk of teen pregnancy, and a distorted view of relationships between men and women.¹⁸



Parents were shocked to find appalling, raw, unfiltered pornography on their child's middle school online research account. This discovery led to a lawsuit filed by the Thomas More Society against EBSCO, a major online research database used by many schools. The situation was even worse than parents feared. In addition to pornography, EBSCO was also allowing content on its database to students that contained erotica, BDSM (bondage, discipline, sadism, and masochism), advertisements to sex stores, and other obscene content.¹⁹

Know Your Child's Rights

- Courts have ruled that children in public schools still have First Amendment rights, which include the right to be exposed to the free flow of ideas. This means once a school places a book in the library, this student right is “activated,” making it much more difficult for parents to have books/content *removed* (that aren’t blatantly illegal), if students object to the removal of the book or content.²⁰
- Federal law gives your child the right to privacy *but* allows parental oversight of educational records. Generally, a child’s library circulation record is considered an education record under federal law.²¹ Parents have the right to view this record. If the school is refusing to release your child’s library circulation record, they could be violating federal law. See Appendix G – Letter to Access Child’s Library Record.

Know Your Rights

- Your school most likely has a policy regarding parents’, students’, and teachers’ rights to challenge controversial content in the school library and on school research databases.
- Parents have the constitutional right to direct the education of their children. A school’s primary goal is to educate children, and that is also the overarching goal of the school library. In this sense, parents have the right to object to controversial content and expect action.
- Parents have the right to direct the religious or secular upbringing of their children and object to content in schools that promotes one viewpoint over another. It is the



school’s *constitutional* duty to educate children in a *neutral* manner. This means parents have the clear constitutional right to have content removed that imposes a religious, moral, or secular viewpoint.²²

Know the Law

Relevant State Laws:

Authority of School Boards: Most school boards have broad authority under state law to select books and materials that will be used in the instruction and supplemental education of their students. This means the school board’s process of selecting and removing books from the library is often up to the school board. Most school boards also have policies to challenge the inclusion of a

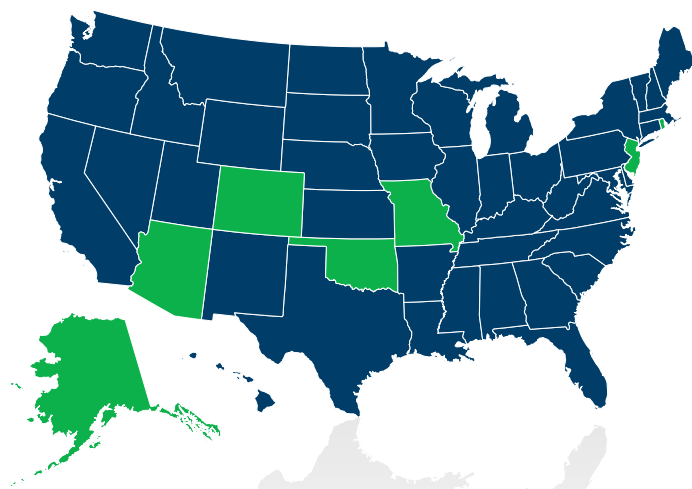
book. For this reason, it is good to focus your advocacy efforts on your school and school board. It would be beneficial if you can offer your input about book selection while the process is ongoing. Email your school board members for information on how to engage. You can also address your school board about content you and other parents find objectionable. If these efforts fail, parents *might* be able to file complaints with their *state* board of education, which oversees public local school boards.

Obscenity Laws, Exemptions and Materials that are Harmful to Minors:

Every state, *and* the federal government, has an obscenity law that defines obscenity and prohibits exposing minors to obscene materials.²³ Obscene material does *not* have “free speech” protections. (For example, child pornography is illegal because it is considered obscene and therefore can never be considered protected speech.) It is a crime for children to be exposed to obscene, lewd, and profane material, with one exception—the “obscurity exemption,” which we’ll explain below.

In addition, some states also have a law that prohibits “material that is harmful to minors,” *in addition* to their obscenity law. This “material that is harmful to minors” law can be used by parents to argue against harmful library or database content. This law also has one exception—the “obscurity exemption.”

The Obscenity Exemption—A Major Loophole: There is one enormous loophole to laws regarding obscenity and material that is harmful to minors: If the material that is being questioned can be viewed to have *scientific, educational, governmental value, or other justification*, it is no longer illegal. This enormous loophole is called the “obscurity exemption.” Most school libraries can claim an “obscurity exemption” to material that is appalling to parents by arguing the content has “educational” or “scientific” value.



This legal exemption is how parents keep coming across obscene and pornographic content in their child’s sex education curriculums, school (and public) libraries, and other classes. Only **Alaska, Arizona, Colorado, Missouri, Oklahoma, New Jersey, and Rhode Island** (shown in green in the map above) do not have obscenity exemptions. It is important to note that it is the *community* that has the right to decide what type of content is obscene. If a community of parents comes together and objects to controversial content in their school libraries, they may have a much better chance of getting that content removed.

Note: If you or your child comes across obscene material (more likely to be found on a research database), report this to school officials and your state Board of Education, immediately.

BE YOUR CHILD’S CHAMPION

Ways You Can Protect & Advocate for Your Child

- Consider donating books with moral and ethical values or socially conservative world views to your school library. (Keep in mind books that promote a particular religion over another may not be allowed in school libraries in your state.)
- Let the library staff know about explicit content that has been found in the library or on the school’s research

database. School staff don’t read most books that come in but rely upon recommendations from sometimes radical organizations, outside reviews, and community input when deciding what content to purchase. If the objectionable content remains, speak out against it to your school principal and contact your school board members.

- **Talk with other parents** and see if they know about the explicit content you or your child have discovered. Encourage these parents to also report their concerns to the school and join you in speaking out at an upcoming school board meeting. Often schools rely upon the parental community to let them know if content is unacceptable.
- **Talk with your child's teachers** about objectionable content, and ask if they would also be willing to speak out against it to school officials and at your local school board meeting. Teachers also have the right to object to content in the school.
- **Speak up at school board meetings** about controversial content, and encourage other parents to do the same. "Obscenity" and "material that is harmful to minors" is often defined by what the community believes is harmful. Having *community* voices sharing your concerns at public meetings is very powerful.
- The majority of school libraries have policies to challenge books. **Look into these policies** and follow the guidance if you and other parents would like to challenge a book or other resource.

Note: The American Library Association (a liberal organization that sets standards for public libraries) will often step in to help public schools in their book challenge procedures. Often this organization will want to keep controversial content and label all attempts to remove content as "censorship."

- If the school or school board refuses to remove objectionable books, **request the school label books with a "graphic content" label** as a warning to students and parents about what's inside. In addition, you may ask that the controversial book is only accessible to older students. Try to get other parents, teachers, or your school's parent-teacher organization to support you.
- Ask the school to release the log-in information to your child's library account to **monitor what they are checking out**. (It can also be good to ask your child for this information, and use that as an opportunity to create


open dialogue on what type of content you'd like your child to be warned about.) You may also be able to obtain this list directly from the school.

- If your school has a parent-teacher organization, get involved! **Join it!** Help your group educate parents and teachers on these facts and work together to remove explicit content from your school.



- **Sit with your child as they use the school research database** to become familiar with it and see how it works. Have conversations with your child about any content they may have come across that alarmed them. Walk them through what actions they can and could take, and let them know you are open to discuss any questions they may have.
- **Contact your state senator and representative**, and share with them copies of obscene, lewd, or profane materials that your child has come across, whether in the school library or database systems. Urge them to get rid of your state's obscenity exemption, and explain why it's important to you to keep this type of content *out* of schools!

Use social media to alert your community about what type of content is being allowed in your child's school library.



TALK to Your Child

In the section on “Protecting Your Child in the Classroom,” we’ve given advice and additional resources on providing your children with age-appropriate information about their bodies, relationships, sexuality, and marriage. The suggestions there are relevant to protecting children as they’re accessing books from the school library and using school databases. You want to be the one giving them information and passing on your values about these foundational issues — not the school library or online database.

And in the section “Protecting Your Child on School Internet, Wi-Fi, and Electronic Devices,” we’ve suggested ideas and resources for talking with your children about internet usage. As we explain there, encourage your children to maintain their (and family) privacy and integrity, and think about the long-term consequences of their actions. Again, all this applies to protecting children in school libraries and on school databases.



Talk with your children about how certain feelings, such as boredom, loneliness, anger, and discouragement, can fuel the temptation to look at pornography.

But what do you do if your child has already been exposed to inappropriate sexual or pornographic material?

It doesn’t take much to lure a child, preteen, or teen into seeing his or her first erotic or pornographic image. A text message with a link or a pop-up ad could be the gateway. The title of an article in an EBSCO database might stimulate their curiosity. A young adult novel in the school library, with a sexually-stimulating scene, could lead to searches for similar books.

Here are a few ideas about talking with your child when you found out they’ve viewed pornography—or even if you suspect it—along with some links to other resources.

- **Let your children know that it’s safe for them to confide in you** if they have questions or concerns, or if they’ve made a mistake in this area. Fearing an explosive reaction can keep a child from being open. All this to say, help from parents is most effective when it’s given with a balance of grace and truth.
- **Tell your children that there are bad influences in the world**, and you want to help protect them. You want them to make good decisions. Let them know you’re fighting for them, not trying to catch them doing something wrong.
- **Respond with grace and kindness** if you find out they have viewed something inappropriate. If you feel angry, tell your children you’re not mad at them, but you’re angry with those who try to lure young children into seeing these images.



- Many who view porn feel shame and guilt. Talk to your children about this, and explain that feelings of shame can actually fuel addictions. **Help lead them to receiving forgiveness** through their relationship with God.
- Talk with your children about how certain feelings, such as boredom, loneliness, anger, and discouragement, can fuel the temptation to look at pornography. **Help them recognize their feelings**, choose healthy ways to express them, and work toward a better emotional state, rather than looking at pornography.
- **Let your son or daughter know they're not alone.** Most children will see pornographic images online. And most adults have struggled with relationships and sexuality.
- **Talk with them about the addictive nature of pornography**, how it affects and alters our brains. It creates a thirst—that it can't satisfy.
- If you find out they're regularly viewing pornography, you'll have to **establish tighter boundaries** with computer, phone, and internet usage. This is not a punishment, but explain that it's a way to help them and to rebuild trust.

Ideally, fathers should discuss these matters with sons, and mothers with daughters. But if that's not possible, as in the situation of a single mom raising a teen boy, you may want to enlist the help of a trusted male family or church member to talk with your son or help maintain accountability. Likewise, a single dad will want to enlist the aid of a trusted female family or church member to talk with your daughter.

Helpful Resources:

Our Canadian Focus on the Family affiliate has a very helpful article, with links to more resources, [Equipping your child to resist pornography](#). It includes ideas for protecting children, freeing children from memories of what they saw, recognizing emotional states that lead to temptation, and more.

The Focus resource [Overcoming Sexual Brokenness](#) lists broadcasts, books, articles, and referrals.

Of course, there's much more help and information available for parents helping children exposed to pornography or fighting pornography addiction. Focus on the Family has a number of articles and resources about children and pornography, including:

- [Advice for Parents of Teen Porn Addicts](#)
- [Digital Pornography Addiction](#)
- [Launch Into the Teen Years](#)
- [How Do You Respond to Your Child's Suspected Porn Use?](#)
- [How Pornography Affects a Teen Brain](#)
- [Seven Strategies to Combat Teen Porn Use](#)
- [Talking to Kids About Masturbation](#)
- [Use of Pornography Among Tweens and Teens](#)

To request a conversation with Focus on the Family's Counseling Department, **call 1-855-771-HELP (4357)** weekdays from 6:00 a.m. to 8:00 p.m. (Mountain Time), or complete our [Counseling Consultation Request Form](#). Please be prepared to leave your contact information for a counselor to return a call to you as soon as possible. The consultation is available at no cost to you due to generous donor support and will be with one of our licensed or pastoral counseling specialists.

Notes

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- 8 These state laws often explicitly prohibit "material that is harmful to minors".
- 9 John D. Foubert, *The Public Health Harms of Pornography: The Brain, Erectile Dysfunction, and Sexual Violence*, 2 DIGNITY, ISS. 3 ART. 6, (2016) DOI: 10.23860/dignity.2017.02.03.06 (concluding pornography is correlated to and a direct cause of violent behavior).
- 10 *Id.*
- 11 Valerie Voon, et al., *Neural Correlates of Sexual Cue Reactivity in Individuals with and without Compulsive Sexual Behaviours*, PLOS MEDICINE, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0102419#s3> <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0102419#s3> (2014) (concluding individuals diagnosed with compulsive sexual behavior indicated activity in areas of the brain that has traditionally been associated with drug-cue reactivity).
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Protecting **YOUR** Child

BY EXERCISING SCHOOL CHOICE

In this section...

- 92** What Is “School Choice”
- 93** Why School Choice Options Are Important for Families
- 95** Providing a Wide OPEN Future
- 96** What Do School Choice Programs Look Like?
- 98** Know the Law / Your Rights
- 99** Ways You Can Advocate for School Choice
- 100** What School Choice Is Available in My State?



“It is a painful irony that people who are promoting the make-believe equality of “inclusion” and “diversity” in schools are attacking charter schools that are producing the real equality of educational achievement.”

THOMAS SOWELL

Charter Schools and Their Enemies

What is SCHOOL CHOICE

How Does School Choice Help Parents and Their Families?

In policy, “school choice” means laws that give parents the tools they need to build the education best suited for their children, in public or private sectors, and help them finance those options. School choice has become a top priority for Americans of all political leanings because education is the key to success for our children in many fields. How our children are educated is also a moral and political question that has become increasingly controversial.

Currently, in the American school system, all families are assigned a public school based upon their ZIP code. In many cities and states, your children are legally required to attend their assigned school and do *not* have the *choice* to attend another public school in the same or different district (although families may pay to send their child to a private school *instead* of their assigned public school, and some states offer more choice options that are discussed in the section “What Do School Choice Programs Look Like”). Your property taxes are also used to fund the school district in your ZIP code. Public schools receive some funding through various state and federal programs, but the majority of funding comes from property taxes. This means schools in more affluent neighborhoods generally receive more funding. This fundamental aspect of the public school system also restricts the options of parents who cannot afford to live in more expensive neighborhoods, requiring them to send their children to possibly lower-performing schools that receive less funding.

Supporting school choice policies means supporting laws that allow families to *opt-out* of their legally designated school or school district and *choose* to have their child attend a different public school (e.g., charter school, magnet school); a private school, including religious schools;


or choose a different educational system entirely, like homeschooling, online classes, or other programs that meet the unique needs of their child.

Even though every family, in theory, can “choose” private school options, many families cannot *afford* private school tuition. If a family has an interdistrict choice, they may not be able to afford to have their child attend a more highly-rated *public* school because transportation costs are not provided. Or, a family might have a child with disabilities who needs extra educational support that the public school they are assigned to cannot offer.



Supporting school choice policies means supporting options for these families, such as providing them the legal ability to choose a different public school for their child. It also means supporting laws that help families cover the costs of choice, such as private school tuition, tutoring, transportation, and more. The best part is, funds are already available in the state budget, as school choice laws merely transfer the funds a public school *would have* received from the state (if your child *had* enrolled) to the private school the family has chosen or directly into the hands of the parents.

The best form of school choice funding is where the money goes directly to parents so that they have the financial freedom to build the education best suited for their children's needs.



The best form of school choice funding is where the money goes directly to parents so that they have the financial freedom to build the education best suited for their children's needs.

Why School Choice Options Are Important for Families

If you've had the opportunity to take a look at the rest of this guide, it's pretty clear that there are social, moral, and political challenges the public school system presents for families with more traditional, conservative, or faith-based world views.

As some public school classrooms are becoming more sexualized and politically radical, many children are being forced into vulnerable and uncomfortable situations in bathrooms and locker rooms, and school libraries and research database content are exposing many children to pornography and other appalling material.

The shocking moral decline of our public school system isn't the only reason families want school choice. Other top reasons are financial mismanagement and teacher union contracts that harm our children.

One argument you may have heard against school choice is that public schools already do not receive the funds they need to perform well. In most circumstances, it simply isn't accurate to say that public school systems are underfunded. "The United States spends more than other developed nations on its students' education each year, with parents and private foundations picking up more of the costs."¹ Even the federal government, which has historically spent very little on education, since the 1960s has spent 2 *trillion* dollars on education programs.² In spite of this, the evidence shows that in states that spend the most on school education, there



*"The philosophy of the school room in one generation will be the philosophy of government in the next"*³

ABRAHAM LINCOLN

was **not** an increase in graduation rates and test scores, and some high-budget states fell *below* the national average.⁴ In addition, “the gap between upper-income and lower-income students is as wide as ever.”⁵

One of the major reasons for this is that spending from increased educational budgets goes to *employees* in the form of raises and benefits, not students: “80% of post public school budgets are swallowed up by labor costs.”⁶ Rising administration costs are part of this, as districts spend more on administration and less in the classroom, as schools work to comply with increased federal, state, and local regulations. Another factor is that in the majority of public school districts, teachers receive *automatic* annual raises because of their powerful teacher union contracts.

Teachers’ unions have a significant amount of power in negotiating contracts for teachers in their states and are organized for this purpose. Take note, *teachers’ unions do not exist to represent student interests*. They represent the teachers. The Heritage Foundation found that “unions have successfully lobbied to prevent public education employees from having to contribute to the cost of their own health insurance premiums, for increases in pensions and other benefits, and against provisions such as parental school choice. They have also fought against tenure reform and merit pay for teachers . . .”⁷ What this means is school districts are out-of-pocket billions of dollars to fund union

contracts and often do not have the power to fight these contracts by, say, scaling back retirement packages or freezing salaries to spend more money in the classroom. Inflexible teacher union policies can have a devastating impact on academic performance and school budgets. “Unions weaken American education.”⁸ Those harmed the most are the students.

Combine all of these negative statistics with the fact that public schools have very little competition and, therefore, little incentive to do better.

This is why it’s vitally important we work to support and expand school choice options for families. This ensures parents maintain the right to direct the moral and religious education of their children.

The *good news* is school choice funding options have grown by leaps and bounds in the past decade. The Heritage Foundation reports, in 2011, “18 states and Washington D.C., offered 31 school choice programs . . . enabling some 212,000 students to attend a private school choice. Today, 65 private school choice options are operating in 29 states, Washington, D.C. and Puerto Rico” with “more than 482,000 students across the country exercising

private school of choice.”⁹ School choice provides better educational opportunities for our children, improves academic outcomes, and ensures that every child has a **wide OPEN future**.



Inflexible teacher union policies can have a devastating impact on academic performance and school budgets.

WIDE OPEN FUTURE

A future full of choice needs a present full of options.



Providing a Wide OPEN Future

Families certainly have the right to provide the best education for their child that supports their family values. School Choice provides families with **O**ppportunity, **P**rotection, **E**mpowerment, and **N**o limits!

Opportunity: With School Choice, parents can choose the best educational fit for their child, giving their child the best foundation for success.

Protection: With increasing violence in some public schools and increasingly radical policies (e.g., transgender bathroom, locker room, and sports policies) that leave our children vulnerable, it is essential parents have the right to choose a safe environment for their child where he or she can thrive.

Empowerment: School Choice empowers parents to be more than just a voice in the educational upbringing of their child, but also an active decision-maker. It also empowers students by giving them the best opportunities to reach their full potential.

No Limits: School Choice ensures a child's future isn't limited by mandatory school assignments based on ZIP code zoning requirements, gross fiscal mismanagement in many public schools, and self-interested but powerful teachers' unions.

School Choice allows your child to have a Wide OPEN Future, and gives families more *public and private* school options.

School Choice options currently include:

- Traditional public schools
- Magnet schools
- Charter schools
- Online learning
- Private schools
- Homeschooling opportunities

State funds that are available to families to exercise their school choice are often called:

- Vouchers
- Education savings accounts
- Education saving scholarships
- Tax credits
- Tax deductions

What Do School Choice Programs Look Like?

- **Intradistrict School Choice:** Some states, like *Alaska*, *Arizona*, and *Colorado*, allow parents to choose a school within their current assigned school district in which the family *resides*, during open enrollment. (Therefore, a family may not be required to attend their designated school based on their ZIP code). Depending on state law, the *receiving* school district's participation might be voluntary or mandatory. (See Intra/Interdistrict Chart, on page 100.)
- **Interdistrict:** States like *Oregon*, *Pennsylvania*, and North Dakota may only have one school choice option: interdistrict choice. This option allows families to choose to send their child to any public school in the state, during open enrollment. They are not required to send their child to the school district assigned to them based on ZIP code. In some states, students may only be allowed to transfer schools if they're low income or from a failing school district. Depending on state law, the receiving school district's participation might be voluntary or mandatory. (See Intra/Interdistrict Chart, on page 100.)
- **Magnet Schools:** A magnet school is a public school that receives *public funding* and is *publicly managed*, just like a regular public school. The difference is magnet schools specialize in a particular area of education and programs like STEM (science, technology, engineering, and mathematics), performing arts, vocational training, or college preparation. Though magnet schools have specialized themes and programs, they must meet the same academic standards as public schools across all subjects.
- **Charter Schools:** Charter schools are public schools that receive a charter to educate students. Charter schools receive a "tuition" payment from the state government for each student they enroll and must admit students on a lottery/random basis. They have more fiscal and educational decision-making power than traditional public schools because they are exempt from a lot of

regulations and red-tape that may hamper public schools. Charter schools are the most common school choice option available. Charter schools receive *public funding*, though sometimes a lower percentage than what public schools receive, and they are *privately managed*.

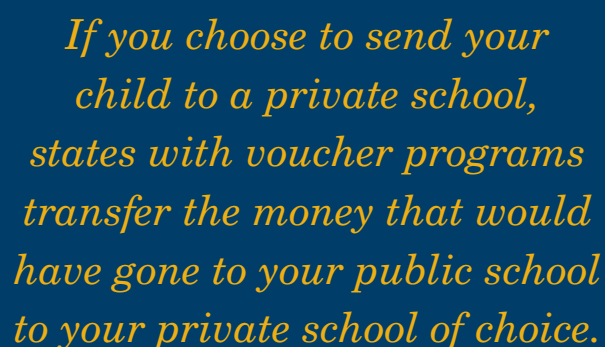
- **Private Schools:** Private schools *do not* receive regular funding from the state and federal government, though they may receive per-pupil money to assist students with disabilities or who are disadvantaged.¹⁰ They are not subject to the same curriculum standards or other requirements to which public schools must adhere. Many private schools receive funds from individuals, foundations, or religious organizations. They are also under *private management*. One of the most valued freedoms private schools have is that they can teach faith-based content and perspectives. In most states, private school tuition comes primarily out of the parents' pockets (although state education savings accounts and voucher programs are helping to change this). Since private schools charge tuition, they tend to have better academic programs and are more likely to draw students from higher-income families. Private schools are less likely to be unionized and presumably more accountable for financial mismanagement, which would cause parents to leave the school with their tuition dollars in hand. While all parents in our country *technically* have the choice to send their



child to private school, tuition and transportation costs are a considerable barrier for many families. This is where state programs like vouchers and education savings accounts can help the most families.

- **Homeschooling:** This school choice option allows parents to teach their children at home, using their own resources, with little to no state oversight. Homeschooling is an option in every state, although states vary in how they regulate homeschooling. Some states require homeschoolers to take standardized testing, turn in periodic review documents, and teach certain subjects. Other states have no requirements.
- **Vouchers:** Public schools receive a certain amount of state funding for each student that attends their school. If you choose to send your child to a private school, states with voucher programs transfer the money that would have gone to your public school to your private school of choice. Often, this amount is a smaller percentage of the full amount your child's *public school* would receive if your child were enrolled. (For example, if your public school receives \$5,000 for your child's enrollment, the state may only transfer \$3,500 to your private school of choice.) Vouchers are also one of the most common forms of school choice options available.
- **Education Savings Accounts:** ESAs (not to be confused with 529 Plans discussed next) are more flexible than school vouchers. Instead of the assigned public school transferring the money designated for your child directly to your school of choice, like vouchers, these funds are made available directly to the family (often through a debit card). The family then has complete control over the funds to spend on private school tuition, online tutoring, curriculums, transportation costs to and from school, and more. Only **Arizona, Florida, Mississippi, North Carolina,** and **Tennessee** have passed ESA programs into law.
- **529 College Savings and Prepaid Tuition Accounts:** 529 Plans help parents pay their child's K-12 and college education expenses with tax-advantaged accounts run by the state. Currently, every state offers 529 plans for parents *except Wyoming and Washington*. There are generally two

types of 529 accounts, savings plans and prepaid tuition plans. With the savings plan, parents contribute their earnings to an account where that money will not be subject to federal taxes upon withdrawal as long as the money is used for their child's education expenses. The prepaid tuition plan locks in a tuition rate at the time of opening the account and a parent makes payments on that tuition as their child grows up. The majority of states also provide a state tax-credit or deduction for money contributed to the 529.



If you choose to send your child to a private school, states with voucher programs transfer the money that would have gone to your public school to your private school of choice.

- **Tax Credit Scholarships:** Some states incentivize their citizens to donate to nonprofits that distribute private-school tuition or transportation scholarships by offering tax credits to those who donate. Often, both individuals and businesses are eligible to receive the credit. The nonprofits that receive the money then redistribute the money in the form of grants or scholarships to cover private *and* public school costs like tuition, transportation, textbooks, tutoring, and more.
- **Tax Credits and Deductions:** Tax deductions and credits help families fund school choice through a state's tax system. A **tax deduction** lowers a person's tax liability by *not* taxing income that is used by a family to cover educational expenses. **Tax credits** allow families to have a percentage of money *returned* to them based on different factors, such as the amount of their child's tuition payment. Laws vary state to state, but deductions and credits may be available for expenses like tuition costs, curriculum materials, transportation, educational supplies, tutors, and more.



Get INFORMED

Know the Facts

- Your child has the right to a public education. Every state constitution reinforces this right.
- Find out what school choice options are available in your state. Use the charts for guidance in the section “What School Choice Option is Available in My State?”
- Education Savings Accounts are truly the “gold standard” when it comes to school choice because they allow you to fully tailor your child’s educational experience to your child’s individual learning needs.
- Almost 30 empirical studies have shown again and again increased school choice “improves academic outcomes for participants and public schools, saves taxpayers money, moves students into more integrated classrooms, and strengthens the shared civic values and practices essential to American democracy.”¹¹
- A meta-analysis of 19 voucher programs has shown school choice improves student math and reading test scores.¹² Studies have shown school choice can increase graduation rates, with D.C.’s school choice program increasing the city’s graduation rate by 21 percentage points!¹³
- Several studies have shown school choice increases civic values like tolerance of others, respectful engagement, *and* improves racial segregation.¹⁴
- School choice improves schooling for *everyone*, including public-school students. It might be evident why it improves schooling for those who have the ability to choose. What about those who remain in their designated school? Studies have shown the educational practices of these schools also improve, probably because the public school now has healthy competition to retain students, forcing them to improve their academic performance.¹⁵
- School choice provides the opportunity for families to hold public schools accountable for their policies, curriculums, budgets, teacher selection, and more. If parents are allowed to vote with their feet, schools are required to find solutions that work to resolve the most significant objections families have — or be forced to close. Greg Forster, a school-choice advocate, wrote, “Hospitals know they must do a good job or lose patients. Professionals like doctors and lawyers must provide good services or lose clients. Stores must provide good value or lose customers. This system is so critical to keeping institutions mission-focused that we take it completely for granted— everywhere but in K-12 schooling.”¹⁶

School choice laws are seen as empowering parents in exercising their right to educate their children.



Know Your Rights

- The state has the right to require all children are educated. But parents have the constitutional right to decide *how* to educate their child and to send their child to a religious school.¹⁷ School choice laws are seen as *empowering* parents in exercising their right to educate their children. If you have a serious moral, religious, or ethical objection to your child attending your local *public* school, you can argue (before a state legislature) that your right to direct the educational upbringing of your child is being infringed upon, and the government has a duty to allow parents the flexibility to educate their children outside the public school monopoly.
- You do *not* have the fundamental right to send your child to a public school that is better funded than another. The Supreme Court has recognized the vast differences in the type of public school education available (for example, the kind of education a public school in a wealthy neighborhood might provide compared to a poor neighborhood). This is helpful to know in your



advocacy, so you do not spend a lot of time comparing the educational quality of *public* schools.¹⁸

- You have the right to direct and choose for yourself the direction of your child's destiny and not be forced to accept what the government dictates. This is one of the primary underpinnings for school choice options outside the public school system.

Ways You Can Advocate for School Choice

- **Find out what kind of school choice options/programs are available in your state.** See chart on page 100.
- **Attend your local school board meetings and be vocal.** In states where inter and intradistrict school choice is voluntary, school boards have a lot of authority to decide whether they will accept transfer agreements with other school districts or participate in public school choice. Let them know you support school choice and encourage them to participate. It's always good to invite other parents!
- **Write a letter to the editor of your local newspaper** and explain why your state needs school choice options. Focus your writing on how school choice is really about creating the best foundations and options for *children*.
- **Call your state legislators and ask them to support expanding public school choice options.** Ask them if they would be willing to sponsor school choice legislation. Encourage them to vote for your state to have an education savings account, voucher program, or other school choice option you believe would be beneficial for your family and others like you. Ask them if there is school choice legislation that's been introduced. If so, get information about the hearing time for the legislation, and go testify. This is similar to testifying at your local school board, but better because legislators write the law!
- **Contact your federal member of Congress and senators.** Get an appointment with them when they're in your home state (and not in D.C.). Talk to them about

how you think families could benefit from support from the federal government to exercise their school choice options. The federal government currently funds school choice options for children on tribal lands, children of military families, and families in Washington, D.C. You can ask your representative to sponsor legislation that provides a *federal* tax credit or deduction when families utilize school choice. They could also sponsor legislation that allows *federal* dollars assigned to schools (based on student enrollment) to follow the student—and not just attach to the school. You can also encourage your representative to sponsor legislation that funds state grants for charter schools or funds state grants for children to use for school choice.

- **Visit the federal Department of Education’s (DOE) website** and let them know you support funding for school choice for students. The Trump administration committed to funneling billions of dollars to the states for school choice grants, although, many of these grants are limited to students with disabilities and those from low-income neighborhoods or failing schools. Let the DOE know you believe eligibility for these federal grants should be expanded for all students to access. A different administration may be less friendly toward school choice.
- Your state most likely has a parent organization that advocates for school choice. **Find out what the group name is and join!**

What School Choice Is Available in My State?

Monetary Incentives for School Choice by State

State Name	ESA	Voucher Program	Tax-Credit Scholarship	Tax Credit/Deduction	Intradistrict	Interdistrict
Alabama			✓	✓		
Alaska					✓ M*	
Arizona	✓		✓		✓ M	✓ M
Arkansas		✓				✓ M
DC.		✓			✓ V	
California					✓ V*	✓ V*
Colorado					✓ M	✓ M
Connecticut					✓ V/M*	✓ V/M*
Florida	✓	✓	✓		✓ M	✓ M
Georgia		✓	✓		✓ M	✓ V
Hawaii					✓ V	N/A**
Idaho					✓ M	✓ M
Illinois			✓	✓	✓ M*	
Indiana	✓		✓	✓	✓ M	✓ V
Iowa			✓	✓		✓ M*
Kansas			✓			✓ V
Kentucky					✓ M	✓ V
Louisiana		✓	✓	✓		

BACK TO SCHOOL FOR PARENTS: Protecting Your Child by Exercising School Choice

State Name	ESA	Voucher Program	Tax-Credit Scholarship	Tax Credit/Deduction	Intradistrict	Interdistrict
Maine		✓			✓ V	✓ V
Maryland		✓				
Massachusetts					✓ V	✓ V
Michigan					✓ M*	✓ V
Minnesota				✓		✓ M
Mississippi	✓	✓				✓ M*
Missouri						✓ V
Montana			✓		✓ V	✓ V*
Nebraska					✓ M	✓ M
Nevada	✓		✓			✓ V
New Hampshire		✓	✓		✓ V	✓ V
New Jersey						✓ V
New Mexico					✓ V*	✓ V*
New York						✓ V
North Carolina	✓	✓				
North Dakota						✓ V
Ohio		✓			✓ M	✓ V*
Oklahoma		✓	✓			✓ V
Oregon						✓ V
Pennsylvania			✓			✓ V
Rhode Island			✓		✓ V	✓ V
South Carolina			✓	✓		✓ V
South Dakota			✓		✓ M	✓ M
Tennessee	✓				✓ V	✓ V
Texas					✓ V	✓ V
Utah		✓			✓ M	✓ M
Vermont		✓			✓ M	✓ M
Virginia			✓		✓ V	
Washington					✓ M	✓ V
West Virginia					✓ V	✓ V
Wisconsin		✓			✓ V	✓ M
Wyoming					✓ V	✓ V

Intradistrict and Interdistrict policy: M = Mandatory V = Voluntary (school districts do not have to participate in the program.)

* Means there are qualifications. For example, the program may only be mandatory if a school district is dangerous or failing. Most states that have voluntary district choice may also make it mandatory under certain conditions.

** Hawaii only has one school district

Note: Many state vouchers and/or ESA programs limit eligibility to students with special needs, or students from military families, or students who come from households that earn up to a certain amount over the poverty line.

Notes

- 1 Organization for Economic Co-operation and Development (OECD) Survey discussed at CBS NEWS, *U.S. education spending tops global list, study shows*, (June 25, 2013) available at <https://www.cbsnews.com/news/us-education-spending-tops-global-list-study-shows/>.
- 2 Edwin J. Feulner, Ph.D., *Haven't We Learned Our School Spending Lesson?*, THE HERITAGE FOUNDATION, available at <https://www.heritage.org/education/commentary/havent-we-learned-our-school-spending-lesson>.
- 3 David Barton, *The Myth of Separation*, at 264 (WallBuilder Press 1992) (citing Stephen K. McDowell & Mark A. Beliles, *America's Providential History*, at 248 (Providence Press 1989)).
- 4 Glenn Beck, et al., *Conform: Exposing the Truth About Common Core and Public Education*, 17, Threshold Editions.
- 5 Feulner, *supra* note 2.
- 6 *Conform*, *supra* note 4 at 14.
- 7 Linsey Burke, *Creating a Crisis: Unions Stifle Education Reform*, THE HERITAGE FOUNDATION, July 20, 2010 available at <https://www.heritage.org/education/report/creating-crisis-unions-stifle-education-reform>.
- 8 *Id.*
- 9 Lindsey Burke, *How School Choice Is Lifting Thousands of Kids Across America*, THE HERITAGE FOUNDATION, Jan. 23, 2019, available at <https://www.heritage.org/education/commentary/how-school-choice-lifting-thousands-kids-across-america>.
- 10 See e.g., FACTS, *5 Private School Federal Aid Myths Debunked* (April 16, 2019), available at <https://factsmgt.com/blog/5-private-school-federal-aid-myths-debunked/>
- 11 Greg Forster, *A Win Win Solution: The Empirical Evidence on School Choice*, 4th ed., FRIEDMAN FOUNDATION, (May 2016) available at <https://www.edchoice.org/research/win-win-solution/>.
- 12 M. Shakeel, et al., *The Participant Effects of Private School Vouchers Across the Globe: A Meta-Analytic and Systematic Review*, EDRE Working Paper No. 2016-07, UNIVERSITY OF ARKANSAS, Department of Education Reform (2016).
- 13 P.J. Wolf, et al., *School Vouchers and Student Outcomes: Experimental Evidence from Washington, DC*. *Journal of Policy Analysis and Management*, 32 (2): 246–70 (2013).
- 14 C.A. DeAngelis, *Does Choice Matter for School Choice? An Instrumental Variables Analysis of the Effect of Choice on Parental Satisfaction in Charter Schools*, J. OF SCHOOL CHOICE, available at <https://doi.org/10.1080/15582159.2017.1408003> (2017a); Swanson, E., *Can We Have It All? A Review of the Impacts of School Choice on Racial Integration*, 11 J. OF SCHOOL CHOICE 4, 507–26 (2017).
- 15 Rouse, C. E.; Hannaway, J.; Goldhaber, D.; Figlio, D., *Feeling the Florida Heat? How Low-Performing Schools Respond to Voucher and Accountability Pressure*, 5 AMERICAN ECONOMIC JOURNAL: Economic Policy 2, 251–81 (2013).
- 16 Forster, *supra* note 11.
- 17 *Pierce v. Soc'y of Sisters*, 268 US 510, 534-35 (1925).
- 18 *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 US 1, at 36-38, (1973).



APPENDICES

In this section...

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APPENDIX A Additional Resources

Cultural and Political Information and Engagement

- *Family Policy Alliance*
- *Focus on the Family's The Daily Citizen*
- *State Family Policy Councils* — Offering education, resources, and engagement on social and political issues in your state
- *The Heritage Foundation*
- *Concerned Women for America*
- *American Principles Project*
- *Family Research Council*
- *Five Practical Tips for Contacting Your Legislator*
- *How to Testify at a Legislative Hearing*

Education Resources

- *Family Policy Alliance: Education* – A parent & child-driven vision vs. a political-driven vision for education
- *Focus on the Family: Education Resources*
- *The Heritage Foundation* – Education freedom for families
- *EdChoice: Parent & Education Resources* – What is school choice, how does it work, and what education options does my state have?
- *Gateways to Better Education* – Equipping Christians in Public Schools/National Free to Speak Campaign

For helping children develop a Conservative, Faith-Based Worldview:

- *Colson Center for Christian Worldview*
- *Hillsdale College Online Courses*
- *Prager University*
- *Summit Ministries*

Counseling, Health and Medical Resources

Including position statements and research on education and social issues, affirming the need for parental involvement in children's healthcare

- *American College of Pediatricians*
- *Christian Medical and Dental Associations*
- *Family Policy Alliance: Parental Rights* – Parents' rights in mental and medical healthcare
- *Focus on the Family Counseling Consultation and Referrals*
- *Medical Institute for Sexual Health*

LGBT Issues

In schools, in the culture, and within the family

- *Parent Resource Guide: Responding to the Transgender Issue*
- *Family Policy Alliance: Sexual Orientation & Transgender ideology* – How parents can respond to what's happening in the law and policy
- *Focus on the Family: Resources When Your Child Encounters LGBT Ideology at School*
- *Focus on the Family: Transgender Resources*
- *Focus on the Family: Understanding Homosexuality*
- *Save Women's Sports*

Legal Groups

Providing legal aid and information for free speech, religious freedom, and parental rights:

- *Alliance Defending Freedom*
- *The Becket Fund for Religious Liberty*
- *First Liberty Institute*
- *Liberty Counsel*
- *The Thomas More Society*

APPENDIX B Comprehensive Sexual Education

Additional Reasons Parents Should be Concerned

Alienates children from their parents: CSE undermines the values and beliefs of children’s families, including teaching that those beliefs might be bigoted, abusive and/or based in fear. CSE often teaches children they have a right to keep information from their parents about their body or health care (contraceptive use, sexual activity, abortion, sexually transmitted infection (STI) diagnosis, and even gender identity). For example, Colorado’s CSE law promotes *censoring* ideas that stress or emphasize the health of heterosexual, monogamous relationships.¹ One California mother even posted on a parent Facebook page an excerpt from her child’s middle-school health curriculum that labels religion that teaches that there are only two sexes as “spiritual abuse.”²

Leads to a Risk of Increased Sexual Activity: Evidence also points to the fact that CSE programs seem to *increase* the risk of adolescent sexual activity, STI transmission, and the number of sexual partners a teen may have.³

Teaches Radical and Controversial Ideas: CSE exposes children as young as kindergarten to radical and controversial content that goes far beyond teaching

biology and risk avoidance and into indoctrinating children about controversial forms of engaging in sex and forging relationships. This is generally beyond the scope of what a public school *should* be teaching in the classroom.

Allows Explicit and Graphic Material Into the Classroom: CSE curriculums have been found to teach *young* children how to touch themselves and even *one another* in a sexual manner; promote anal and oral sex; encourage the idea that one can identify as a different “gender” than one’s biological sex; instruct children that same-sex relationships are healthy and comparable to opposite-sex relationships; be neutral or affirming of sexual experimentation and promiscuity; promote “family planning services” like Planned Parenthood (and even pass out their contact information); and *demonstrate* how to use contraceptives on life-like models. They might even *distribute* contraceptives or teach students how to obtain free or reduced-cost contraceptives without their parents’ knowledge or consent.

Notes

- 1 C.R.S. § 22-1-128(7)(b) (2020).
- 2 <https://www.facebook.com/photo.php?fbid=10213932150034155&set=gm.2919317624775307&type=3&theater&ifg=1>
- 3 CDC, *2014 Trends in the prevalence of sexual behaviors: National YRBS: 1991-2013*, ATLANTA: CDC, available at http://www.cdc.gov/healthyyouth/data/yrbs/pdf/trends/us_sexual_trend_yrbs.pdf; See also, Stan E Weed, Ph.d, Irene H. Ericksen, M.S., *Re Examining the Evidence for Comprehensive Sex Education in Schools 2019 Part One: Research Findings in the United States*, THE INSTITUTE FOR RESEARCH & EVALUATION, at 9 (May 2019).
- 4 See e.g., California Middle School and Highschool Sexual Health Education Program (screen shot); *Lesson 1 of High School Rights/Lesson 5 of Middle School 8th Grade “Rights, Respects, Responsibility: A K-12 Curriculum”* [3R’s].
- 5 3R’s Lesson 5 “STI Smarts” for 8th Grade (normalizes **mutual** masturbation). *Family Life and Sexual Health (FLASH)* is for 4th-6th grade (Intended for children as young as 9). FLASH introduces, exposes, and normalizes high risk sexual behaviors. Many nine-year-olds probably have no concept of “anal” intercourse, which is taught in a manner that it is comparable to “oral and vaginal” intercourse.
- 6 Protecting Your Health: Understanding and Preventing STI’s: A Lesson Plan from Rights, Respect, Responsibility: A K-12 Curriculum (Grade 6, Lesson 7) https://www.sandi.net/staff/sites/default/files_link/staff/docs/sexual-health/6-8-LP-ProtectingYourHealthREV_1.pdf.

Understanding Gender

A Lesson Plan from Rights, Respect, Responsibility: A K-12 Curriculum

A NOTE ABOUT LANGUAGE:

Language is really important and we've intentionally been very careful about our language throughout this curriculum. You may notice language throughout the curriculum that seems less familiar—using the pronoun “they” instead of “her” or “him,” using gender neutral names in scenarios and role-plays and referring to “someone with a vulva” vs. a girl or woman. This is intended to make the curriculum inclusive of all genders and gender identities. You will need to determine for yourself how much and how often you can do this in your own school and classroom and should make adjustments accordingly.

EXAMPLE: Instead of using the words girl or boy (as this can be “offensive” and “alienate” certain people) the California curriculum suggests and does use language referring to girls as “people with a vulva/cervix,” and boys as “people with a penis.”⁴

EXAMPLE 2: One CSE lesson intended to be used for FOURTH Graders teaches about oral, anal, and vaginal intercourse. Most parents agree this type of content for 9-year-olds is outrageously inappropriate.⁵

WHICH ONE IS RISKIEST (IF DONE WITH A PARTNER WHO HAS AN STI)?

Tongue kissing, mutual masturbation, using a public toilet

Note to the Teacher: Be sure to clarify that “mutual masturbation” refers to two people touching each other’s genitals.

ANSWER: Tongue kissing

Grade 8 - Lesson 7

STI RISK BEHAVIORS ANSWER KEY

HIGH RISK for STIs

Unprotected vaginal sex

Unprotected anal sex

Unprotected oral sex

LOW RISK for STIs

Vaginal sex using a male or female condom correctly

Anal sex using a condom correctly

Oral sex using a latex barrier or cut-open condom correctly

NO RISK for STIs

Bathing together

Kissing on the lips

Solo masturbation

Holding hands

Abstaining from sexual activity

EXAMPLE 3: One CSE Lesson (from the 3 R’s Curriculum) for 6th graders encourages bathing with another student and insinuates oral and anal sex are safe alternatives.⁶

APPENDIX C Age of Minor Medical Consent by State

Not including mental health care, ability to consent to an abortion, or contraceptive care.

State	Age of Minor Consent	Exceptions* (only minor consent needed)	Emancipation†
Alabama	14 is the age of consent <i>Ala. Code § 22-8-4 (2019)</i>	Exceptions to requiring a parent's cosent for a minor's medical treatment at any age listed in <i>Ala. Code § 22-8-3</i> through 22-8-6. For STD treatment a 12 year old can consent to treatment. <i>Ala. Code § 22-11A-19</i> . Updated 2019.	Yes <i>Ala. Code § 26-13</i> . Updated 2019
Alaska	18 is the age of majority <i>Alaska Stat. § 25.20.010 (2019)</i>	A minor who has a child or has issues related to pregnancy or venereal disease. A minor living apart from parents and managing own financial affairs. <i>Alaska Stat. 25.20.025(a)</i> . Updated 2019.	Yes <i>Alaska Stat. § 09.55.590</i> . Updated 2019
Arkansas	18 is the age of majority <i>Ark. Code Ann. § 9-25-101 (2019)</i>	A married minor, a pregnant minor, an emancipated minor, or if the minor is of sufficient intelligence to understand the consequences of the proposed surgical or medical treatment. <i>Ark. Code § 20-9-602</i> . Updated 2019.	Yes <i>Ark. Code § 9-26-104</i> . Updated 2019
Arizona	18 years old <i>A.R.S. 8-201 (2019)</i>	Emergencies (<i>A. R. S. 36-2271</i>); married or homeless (<i>A.R.S. 44-132</i>); venereal disease (<i>A.R.S. 44-132.01</i>); treatment for substance abuse (<i>A.R.S. 44-133.01</i>).	Yes <i>ARS 12-2451 through 12-2456</i> . Updated 2019
California	18 years old <i>Cal. Fam. Code Sec. 6500-6501 (2019)</i>	15 years old, living on own, and managing own finances (<i>Cal. Fam. Code 6524</i>); outpatient mental health treatment if at least 12 and serious danger of self-harm/claimed sexual abuse (<i>Sec. 6524</i>); pregnancy (<i>Sec. 6525</i>); STD or other infectious disease (<i>Sec. 6526</i>); rape victim (<i>Sec. 6927</i>); substance abuse disorder (<i>Sec. 6929</i>); intimate partner violence (<i>Sec. 6930</i>). Updated 2019.	Yes <i>Cal. Fam. Code 7000-7002</i> . Updated 2019
Colorado	18 is the age of majority <i>Colo. Rev. Stat. § 13-22-101 through 103 (2019)</i>	Treatment for drug use or substance use disorder at any age. <i>Colo. Rev. Stat. 13-22-102</i> . Generally at 18 years old, 15 years old if minor is living separate from parents and managing own financial affairs. <i>Colo. Rev. Stat. § 13-22-103</i> . Updated 2019.	No specific statute. Updated 2019.
Connecticut	18 is the age of majority <i>Conn. Gen. Stat. § 1-1d (2019)</i>	Marriage or Childbirth allows the minor to consent to medical care for his/her child. <i>Conn. Gen. Stat. § 19a-285</i> . Updated 2019.	Yes <i>Conn. Gen. Stat. 46b-150</i> . Updated 2019
Delaware	18 is the age of majority <i>Del. Code Ann. 13 § 707 (2019)</i>	Marriage, age 18, parenthood (the minor may consent to treatment for the minor's child) or emergency. <i>Del. Code Ann. 13 § 707</i> . Updated 2019.	No official statute. Emancipated by a marriage through Opinion of the Attorney General. Minor's Emancipation Defined Under Varying Conditions, <i>Op. Att'y Gen. No. 70-086</i> (June 23, 1970)
D.C.	18 is the age of majority <i>D.C. Code § 46-101 (2019)</i>	For out-patient mental health care, <i>D.C. Code § 7-1231.14</i> ; Emergencies, pregnancy, substance abuse, sexually transmitted disease. <i>D.C. Code Mun. Regs. tit. 22-B § 600</i> . Updated 2019.	No official statute; however, Child Support Services Division (CSSD) has released an emancipation policy (<i>Policy 2008-21</i>).
Florida	18 is the age of majority <i>Fla. Stat. § 743.07 (LexisNexis 2019)</i>	Marriage. <i>Fla. Stat. 743.01</i> . Emergencies. <i>Fla. Stat. § 743.064</i> Pregnancy/Motherhood. <i>Fla. Stat. 743.065</i> . Updated 2019.	Yes <i>Fla. Stat. §743.015</i> . Updated 2019.

BACK TO SCHOOL FOR PARENTS: Appendix C – Age of Minor Medical Consent by State

State	Age of Minor Consent	Exceptions* (only minor consent needed)	Emancipation†
Georgia	18 is the age of majority <i>Ga. Code Ann. § 39-1-1 (2019)</i>	Exception for venereal disease. <i>Ga. Code § 31-17-7.</i> Updated 2019.	Yes <i>Ga. Code § 15-11-720.</i> Updated 2019.
Hawaii	18 is the age of majority <i>Haw. Rev. Stat. § 577-1 (2019)</i>	Exceptions for alcohol, drug abuse and venereal disease. <i>Haw. Rev. Stat. § 577-26; Haw. Rev. Stat. § 577A-2.</i> Updated 2019.	Yes <i>Haw. Rev. Stat. § 577-25.</i> Updated 2019.
Idaho	18 is the age of majority <i>Idaho Statutes 32-101 (2019)</i>	14 years of age if minor comes in contact with an infectious disease. <i>Idaho Code § 39-3801.</i> Updated 2019.	Not specified in statute. Updated 2019.
Illinois	18 is the age of majority <i>105 ILCS 5/14-6.10 (2019)</i>	Minor parent, pregnant minor, marriage. An understanding of the benefits and risks is sufficient for primary care and related services. <i>410 Ill. Comp. Stat. Ann. 210/1, 210/1.5 (LexisNexis 2017).</i>	Yes <i>750 Ill. Comp. Stat. Ann. 30/.</i> Updated 2019.
Indiana	18 is the age of majority <i>(Common Law as of 2019) However, the duty to support the child ends when the child turns 19. See IC 31-16-6-6 (2019)</i>	Not dependent on their parents support, live apart from their parents, managing own affairs, and at least 14 years old; married; pregnant (if at least 16 years old); or in the military. <i>Ind. Code Ann. § 16-36-1-3 and 16-36-1-3.5.</i> Updated 2019.	Yes <i>Ind. Code Ann. § 31-37-19-27.</i> Updated 2019.
Iowa	18 is the age of majority <i>Iowa Code § 599.1 (2019)</i>	Marriage, incarceration, emergencies, STD's, tobacco, treatment for substance use <i>Iowa Code § 125.33, 139A.35, 142A.11, 147A.10, 599.1.</i> Updated 2019	Yes <i>Iowa Code § 599.1.</i> Updated 2019.
Kansas	16 or older is the age of consent <i>Kan. Stat. Ann. § 38-123(b) (2018)</i>	Pregnancy of minor, venereal disease, drug abuse, addiction, emergency <i>Kan. Stat. Ann. § 38-123; § 65-2891; § 2892 and 2892a.</i> Updated 2019.	Yes <i>Kan. State. Ann. § 38-101 and 38-108.</i> Updated 2019.
Kentucky	18 is the age of majority <i>Ky. Rev. Stat. Ann. § 2.015 (2018)</i>	Pregnancy, marriage, drug or alcohol abuse, STD, emergency, 16 year olds can consent to outpatient mental health care. <i>Ky. Rev. Stat. Ann. § 214.185 § 216B.400, § 222.441.</i> Updated 2019.	No official statute. Updated 2019.
Louisiana	18 is the age of majority <i>La. Civ. Code. art 29 (2019)</i>	Minor parent, child birth, venereal diseases, drug abuse. <i>La. Rev. Stat. § 40:1159.4; § 40:1079.1.</i> Updated 2019.	Yes <i>La. Civ. Code art. 365-371.</i> Updated 2019.
Maine	18 is the age of majority <i>Me. Rev. Stat. tit. 1 § 73 (2019)</i>	Venereal disease or abuse of drugs or alcohol or sexual assault. <i>22 Me. Rev. Stat. tit. 32 § 2595.</i> Updated 2019.	<i>Me. Rev. Stat. tit. 15 3506-A; tit. 22 1503.</i> Updated 2019.
Maryland	18 is the age of majority <i>Md. Code Ann. § 1-401 (2019).</i>	If 17 may consent to blood donation. <i>Md. Code Ann., Health-Gen. § 20-101.</i> Marriage, parenthood, emergency, or living separately and self-supporting. <i>Md. Code Ann., Health-Gen. § 20-102.</i> Updated 2019.	No official statute, but courts have created rules. See <i>Holly v. Maryland Auto Insurance Fund</i> , 29 Md. App. 498 (1975). Updated 2019.
Massachusetts	18 is the age of majority <i>Mass. Ann. Laws ch. 231, § 85P (2019).</i>	12 year old can consent to drug treatment. <i>Mass. Ann. Laws ch. 112, §12E; Emergencies, Mass. Ann. Laws ch. 112, §12F.</i> Updated 2019.	No official statute. Updated 2019.

BACK TO SCHOOL FOR PARENTS: Appendix C – Age of Minor Medical Consent by State

State	Age of Minor Consent	Exceptions* (only minor consent needed)	Emancipation†
Michigan	18 is the age of majority <i>Mich. Comp. Laws Serv. § 722.1 (2019)</i>	May consent to inpatient care if 14. <i>Mich. Comp. Laws Serv. § 330.1498d.</i>	<i>Mich. Comp. Laws Serv. § 722.4.</i> Updated 2019.
Minnesota	18 is the age of majority <i>Minn. Stat. § 645.452 (2019).</i>	Living apart from parents, <i>Minn. Stat. § 144.341</i> ; married or given birth, <i>Minn. Stat. § 144.342</i> , Pregnant, treatment of venereal disease, alcohol, or drugs. <i>Minn. Stat. § 144.343.</i> Updated 2019.	No official statute Established in caselaw. Updated 2019.
Mississippi	21 is the age of majority with some exceptions. <i>Miss. Code Ann. § 1-3-27 (2019).</i>	Emergency, <i>Miss. Code Ann. § 41-41-7</i> ; Mental or emotional health problems from substance abuse if 15, <i>Miss. Code Ann. § 41-41-14</i> ; may donate blood if 16, <i>Miss. Code Ann. § 41-41-15.</i> Updated 2019.	Yes <i>Miss. Code Ann. § 93-19-1 through 93-19-9; 93-19-11.</i> Updated 2019.
Missouri	18 is the age of majority Common Law (is not codified) as of 2019.	Sexual abuse testing, <i>Mo. Rev. Stat. § 595.220</i> ; married or parent, <i>Mo. Rev. Stat. § 431.065</i> ; pregnant minor, venereal disease, or drug or substance abuse, <i>Mo. Rev. Stat. § 431.061 (2017).</i> Updated 2019. See this link for help: https://health.mo.gov/living/families/adolescenthealth/pdf/MissouriMinorConsentLaws1-4-19.pdf	No official statute. Updated 2019.
Montana	18 is the age of majority <i>Mont. Code Ann. § 41-1-101 (2019).</i>	Married minor, pregnant minor, high school graduate, separated from parents and self-supporting, communicable disease, drug or alcohol abuse, or emergency care. <i>Mont. Code Ann. § 41-1-402.</i> Updated 2019.	Yes <i>Mont. Code Ann. § 41-1-401 and 41-3-438.</i> Updated 2019.
Nebraska	19 is the age of majority <i>Neb. Rev. Stat. Ann § 43-2101 (2019).</i>	Treatment for Sexually Transmitted Diseases. <i>Neb. Rev. Stat. Ann § 71-504.</i> Updated 2019.	Yes <i>Neb. Rev. Stat. Ann § 43-2101.</i> Updated 2019.
Nevada	18 is the age of majority <i>Nev. Rev. Stat. Ann. § 129.010 (2019).</i>	Emergency, married, parent, living apart from parents for at least 4 months. <i>Nev. Rev. Stat. Ann. § 129.030</i> Treatment for controlled substances. <i>Nev. Rev. Stat. Ann. § 129.050</i> Substance abuse treatment, <i>Nev. Rev. Stat. Ann. 129.060.</i> Updated 2019.	Yes <i>Nev. Rev. Stat. Ann. § 129.080.</i> Updated.
New Hampshire	18 is the age of majority <i>N.H. Rev. Stat. Ann. § 21:44 (2019).</i>	14 year olds for STD, 12 years old for drug treatment. <i>N.H. Rev. Stat. Ann. § 141-C:18; 318-B:12-a.</i> Updated 2019.	No official statute, although <i>NH Stat. Title 1, Chapter 21-B:2</i> applies. Updated 2019.
New Jersey	18 is the age of majority <i>N.J. Rev. Stat. § 9:17B-3 (2018).</i>	Married or pregnant minor, <i>N.J. Rev. Stat. § 9:17A-1</i> ; Sexually transmitted disease, HIV (if at least 13), sexual assault, substance abuse, or temporary outpatient services for mental illness or emotional distress, <i>N.J. Rev. Stat. § 9:17A-4.</i> Updated 2019.	No official statute. Updated 2019.
New Mexico	18 is the age of majority <i>N.M. Stat. § 28-6-1 (2019).</i>	Mental health can consent if they are over 14 (consultation and verbal assessment only if they are 14 or younger), <i>N.M. Stat. § 32A-6A-14 & 15</i> ; Medical necessities if the minor is a parent or living apart from own parents, <i>N.M. Stat. § 24-7A-6.2</i> ; May decide to reject life-sustaining treatment if competent at 14, <i>N.M. Stat. §24-7A-6.1(C).</i> Updated 2019.	Yes <i>N.M. Stat. § 32A-21-3.</i> Updated 2019.
New York	18 is the age of majority <i>N.Y. Gen. Oblig. Law § 1-202 (Consol. 2019).</i>	A minor who is a parent, married, pregnant, or an emergency. <i>N.Y. Pub. Health § 2504.</i> Updated 2019.	No specific statute. Updated 2019.

BACK TO SCHOOL FOR PARENTS: Appendix C – Age of Minor Medical Consent by State

State	Age of Minor Consent	Exceptions* (only minor consent needed)	Emancipation†
North Carolina	18 is the age of majority <i>N.C. Gen. Stat. § 48A-2 (2019).</i>	Venereal disease, pregnancy, substance abuse, emotional disturbance, or emergency. <i>N.C. Gen. Stat. § 90-21.5.</i> Updated 2019.	Yes <i>N.C. Gen. Stat. § 7B-3500.</i> Updated 2019.
North Dakota	18 is the age of majority <i>N.D. Cent. Code § 14-10-01 (2019).</i>	14 years or older may consent for STD treatment, substance abuse treatment, emergency care (including sexual assault), blood donation (if at least 16) and pregnancy. <i>N.D. Cent. Code § 14-10-17, 17.1, 18.1, & 19.</i> Updated 2019.	No official statute. Updated 2019.
Ohio	18 is the age of majority <i>Ohio Rev. Code § 3109.01 (2019).</i>	Conditions caused by drug or alcohol abuse (<i>ORC 3719.012</i>); sexual offense victims (<i>ORC 2907.29</i>); outpatient mental health services but no medications (<i>ORC 5122.04</i>); HIV test (<i>ORC 3701.242</i>). Updated 2019.	No official statute. Updated 2019.
Oklahoma	18 is the age of majority <i>Okl. Stat. tit. 63, § 2601 (2018).</i>	Married minor, has dependent child, separated from parents, pregnant, sexual assault victim, emergency, or drug or substance abuse. <i>Okl. Stat. tit. 63, § 2602.</i> Updated 2019.	Yes <i>Okl. Stat. tit. 10, § 91.</i> Updated 2019.
Oregon	15 is the age of medical consent <i>Or. Rev. Stat. § 109.640 (2017).</i>	Venereal Disease. <i>Or. Rev. Stat. § 109.610.</i> Updated 2019.	Yes <i>Or. Rev. Stat. § 419B.550 through 558.</i> Updated 2019.
Pennsylvania	18 is the Age of majority and of medical consent. <i>23 Pa. Cons. Stat. § 5101 (2019); 35 P.S. § 10101</i>	14 is the age of outpatient mental health treatment. 35 P.S. §10101.1(a) Emergency. 55 Pa. Cons. Stat. § 3139.91. Emergency treatment using a controlled substance that contains an opioid. 35 Pa. Cons. Stat. 52A04. Updated 2019.	No official statute. Updated 2019.
Rhode Island	16 is the age of medical consent <i>R.I. Gen. Laws § 23-4.6-1 (2019).</i>	Marriage, pregnancy, or parent. <i>R.I. Gen. Laws § 23-4.6-1 (2017)</i> ; Venereal disease, <i>HIV § 109.610.</i> Updated 2019. Age of consent may be interpreted as only in emergency situations as well.	Caselaw but no legislation <i>R.I. Gen. Laws 14-1-59.1</i> mentions court emancipation but does not create a procedure. Updated 2019.
South Carolina	18 is the age of majority <i>S.C. Code Ann. § 15-1-320 (2019).</i>	Emergency. <i>S.C. Code § 44-26-60.</i> Updated 2019.	No official statute. Updated 2019.
South Dakota	18 is the age of majority <i>S.D. Codified Laws § 26-1-1 (2019).</i>	Venereal disease. <i>S.D. Codified Laws §34-23-16.</i> Updated 2019.	Yes <i>S.D. Codified Laws § 25-5-19; S.D. Codified Laws § 25-5-24; S.D. Codified Laws § 25-5-25.</i> Updated 2019.
Tennessee	18 is the age of majority <i>Tenn. Code Ann. § 1-3-105(1) (2019).</i>	Emotional disturbance or mental illness if 16 or older (<i>Tenn. Code Ann. § 33-8-202</i>); prenatal care, emergencies, routine mental health care (if older than 16), psychotropic medication (if older than 16). TN Department of Children's Services Administrative Policy 20.24, https://files.dcs.tn.gov/policies/chap20/20.24.pdf . Updated 2019.	Yes <i>Tenn. Code § 29-31-101.</i> Updated 2019.
Texas	18 is the age of majority <i>Tex. Civil Practice and Remedies Code § 129.001 (2019).</i>	Active Military, 16 or older and living apart from parents and managing own finances, Unmarried and Pregnant, Substance Abuse, Infectious Disease, or in prison/similar facility. <i>Tex. Fam Code § 32.003.</i> Updated 2019.	Yes <i>Tex. Fam. Code § 31.</i> Updated 2019.

BACK TO SCHOOL FOR PARENTS: Appendix C – Age of Minor Medical Consent by State

State	Age of Minor Consent	Exceptions* (only minor consent needed)	Emancipation†
Utah	18 is the age of majority <i>Utah Code Ann. § 15-2-1 (2019).</i>	Veneral Disease. <i>Utah Code § 26-6-18.</i> Updated 2019.	Yes <i>Utah Code § 78A-6-801.</i> Updated 2019.
Vermont	18 is the age of majority <i>1 Vt. Code Ann. 173 (2019).</i>	Veneral disease, alocoholism, drug addiction <i>18 Vt. Code 4226(a) (≥12 years old).</i> Updated 2019.	Yes <i>12 Vt. Code § 7151 (≥16)</i> Updated 2019.
Virginia	18 is the age of majority <i>Va. Code Ann. § 1-204 (2019).</i>	Veneral disease, mental illness, birth control, pregnancy, substance abuse, marriage <i>Va. Code § 54.1-2969.</i> Updated 2019.	Yes <i>Va. Code § 16.1-331.</i> Updated 2019.
Washington	18 is the age of majority <i>Wash. Rev. Code. § 26.28.010 (2019)</i>	Mental health services (if older than 13) (<i>RCW 71.34.500, 510, 530</i>); Emergencies (neither parent nor minor consent required) (<i>RCW 7.70.050</i>); STD treatment (<i>RCW 70.24.110</i>). Updated 2019.	Yes <i>Wash. Rev. Code § 13.64.10 (≥16)</i> Updated 2019.
West Virginia	18 is the age of majority <i>W. Va. Code § 2-2-10(aa) (2019).</i>	Venereal disease (<i>WV Code 16-4-10</i>). Updated 2019.	Yes <i>W. Va. Code § 49-4-115 (≥16).</i> Updated 2019.
Wisconsin	18 is the age of majority <i>Wis. Stat. §990.01(3) (2019).</i>	12 or older, alcohol or drug abuse. <i>Wis. Stat. § 51.47.</i> Pregnancy testing (Any), STD testing (Any), HIV testing (≥14)	No official statute. Updated 2019.
Wyoming	18 is the age of majority <i>Wyo. Stat. Ann. § 14-1-101 (2019).</i>	12 or older and tabacco user, married, emergency, active military, or living alone and managing own finances. <i>Wyo. Stat. § 14-1-101.</i> Updated 2019.	Yes <i>Wyo. Stat. § 14-1-201 through 206.</i> Updated 2019.

* Most statutes provide exceptions for contraceptives and abortion separately. These exceptions are not included in this chart.

† Emancipation can either be triggered by marriage and military service in most states. In these areas the age of marriage and military service as encoded in statute would control the youngest a minor could be potentially be able to consent to their own medical care. States often have a judicial process that allows for emancipation as well. A “yes” means these states allow for emancipation either through marriage &/or military service &/or judicial proceeding &/or through another method. Please refer to your state code for specifics.

APPENDIX D Letter Objecting to Transgender Bathroom Policy

Be sure to change the red text in brackets to fit your personal situation.

NOTE: When changing the text be sure to delete the brackets and remove the red color.

Dear [Principal's Name, School Board, or Superintendent],

I write to object to my child being forced to use the same single-sex [bathroom, locker room, hotel room and/or other private space] as an opposite-sex [biological boy/girl]. My child has the right to feel safe in school. [She/he] also has a right to privacy and bodily integrity. When a [boy/girl] is allowed to use the [girls/boys] [bathroom, locker room, or hotel room] my child's right to privacy and dignity is violated and so are the rights of all the [girl/boy] students who use this bathroom.

I recognize *all* students, including transgender-identifying students, have the right to feel comfortable and safe, but not at the expense of the comfort and safety of the majority of students. If there are transgender-identifying students who are suffering from anxiety or discomfort using the bathroom that correlates with their biological sex, I implore the school to make accommodations for these individuals that do *not* negatively impact the rights of my child and others.

These accommodations could be ensuring student access to a single-stall bathroom, staff bathrooms, or nursing office bathrooms.

I even urge the school to consider installing or converting available private single-sex spaces into single-stall, gender-neutral spaces to accommodate *any* students who are uncomfortable using single-sex spaces. These possible accommodations will ensure the privacy rights of *all* students are protected (not just a minority of students) and are in complete compliance with the meaning and intent of federal law under Title IX.

Title IX requires that schools do not discriminate on the basis of sex (20 U.S.C § 1686). It is not a violation of federal law for schools to maintain sex-segregated spaces to protect the privacy and dignity and our children. (34 C.F.R. § 106.33). In fact, it is this school's duty to treat *everyone* with respect and uphold the rights of *all* students, not just some students. Sex-segregated private spaces have persisted for centuries and for good reason. The fundamental differences between girls and boys is a fact of biology and life and should be honored in schools.

Please take immediate steps to protect the *rights* of my child and all students who not only deserve to be protected in private spaces, but *must* be protected under state, federal, and constitutional law.

Please keep me informed as to what these steps will be.

Sincerely,

[Signature]

[Printed Name]

APPENDIX E

Sample Letter to Legislator Requesting Support of Fairness in Women’s Sports

Be sure to change the red text in brackets to fit your personal situation.

NOTE: When changing the text be sure to delete the brackets and remove the red color.

Dear [Representative/Senator] [Name],

In 2020, Idaho became the first state in the nation to pass the **Fairness in Women’s Sports Act** (Idaho Code Ann. § 33-6201-6206 (2020)). This law will protect Idaho girls and women from unfair competition in girls sports by mandating that school athletic teams for females “shall not be open to students of the male sex.” The law safeguards girls and women in competitive school sports from kindergarten through college.

The Idaho legislature reasoned that sex-specific teams “promote sex equality”:

Sex-specific teams accomplish this by providing opportunities for female athletes to demonstrate their skill, strength, and athletic abilities while also providing them with opportunities to obtain recognition and accolades, college scholarships, and the numerous other long-term benefits that flow from success in athletic endeavors. H.B. 500 § 33-6202(8)-(12), 65TH Leg., 2nd Reg. Sess., 2020 (Idaho).

This law is needed in [Your state’s name] to protect my daughter and other girls like her who have been disadvantaged by having a boy play on her girls athletic team in school. [Explain how your daughter was disadvantaged. For example, “my daughter has been denied spots on the girls sports team or “My daughter was prevented from winning a spot on the podium by a biological male.” If you do not have a personal story but are just advocating for the law to pass, you can simply say, “Our daughters are put at a serious competitive disadvantage when boys are allowed to play on girls teams. They are also physically endangered when boy athletes, who are generally bigger, faster, and stronger than girl athletes, are allowed to compete in girls contact sports. Our daughters deserve better.”]

Preventing boys from playing on girls sports team has never before been considered discriminatory nor wrong, until now. This dramatic shift in public policy is hurting girls. Our state legislature should support and pass a Fairness in Women’s Sports Act to protect equality in both boys *and* girls sports.

A biological boy is not denied athletic opportunity because he has an equal opportunity (like all boys) to try out and play for the boys team. This law would apply *equally* to all males, regardless of their gender identity, showing its neutral and general application to students. Finally, this law will ensure our schools are not at risk of losing federal funding under Title IX, a very real concern highlighted in a recent letter issued by the federal Department of Education.¹

Title IX, a federal civil rights law, was passed to ensure girls had equal access to educational and athletic opportunities. Before Title IX passed, girls were barely given a thought in the world of athletics. But since its passing, girls have had the opportunity to access public athletic opportunities on the same level playing field as boys, including access to division sports, college recruitment opportunities, and scholarships.

Recently, the US Department of Education issued a letter determining that boys participating on girls sports teams (regardless of whether they identify as girls) *violates* the rights of female athletes because it denies “athletic benefits and opportunities to female student-athletes.”²

You, as our state representative, have the power to ensure the athletic opportunities of our daughters continue to be protected. You have the power to ensure the progress we have made to guarantee *all* students have equitable access to sports opportunities is not blocked in our state.

Please sponsor a Fairness in Women’s Sports Act in [Your State Name].

Sincerely,

[Signature]

[Printed Name]

1 U.S. Dep’t of Education, *Letter of Impending Enforcement Action Re: Conn. Interscholastic Athletic Conf.*, (May 15, 2020) available at <https://www.adflegal.org/sites/default/files/2020-05/Soule%20v.%20Connecticut%20Association%20of%20Schools%20-%20U.S.%20DOE%20Office%20for%20Civil%20Rights%2C%20Letter%20of%20Impending%20Action.pdf>.

2 *Id.*

APPENDIX F

Letter Objecting to Library Material

Be sure to change the red text in brackets to fit your personal situation.

NOTE: When changing the text be sure to delete the brackets and remove the red color.

Dear [School Principal/School Board Members] ,

I object to [Book title] being stocked and circulated in the school library. This material is not age-appropriate for our children and is contrary to the values we teach our child at home.

Yes, our students have the right to access information and engage in the free exchange of ideas under the First Amendment. But this type of content undermines the spirit and purpose of the First Amendment, which was to ensure the people could come together to freely exchange ideas to bring about positive political and social change. The Miller Court stated years ago that the “portrayal of hard-core sexual conduct for its own sake” is not what the First Amendment was intended to protect.¹

This content is [explicit/graphic/obscene] and contains controversial adult content, to which our children should not be exposed, especially in a school library [you may want to photocopy the pages with offensive content to include with your letter].

Even if there are some students who are in support of this material remaining, I’d like to remind the [school/school board] it is the parents who get to set standards for the community as to what content is objectionable.² It is parents who have the fundamental duty to direct the moral upbringing of our children.³ It is also parents who elect the school board and pay the property taxes that support this school.

As a parent and an indispensable part of [school name] community, I believe this content has no place in our school library or in the hands of our children/[or specific grade range] and request that it is removed immediately.

Thank you,

[Signature]

[Printed Name]

¹ *Miller v. California*, 413 U.S. 15, at 34-35 (1973).

² *Pinkus v. United States*, 394 U.S. 557, 568 (1969).

³ *Troxel v. Grainville*, 530 U.S. 57 (2000).

APPENDIX G

Letter to Access Child’s Library Record

Be sure to change the red text in brackets to fit your personal situation.

NOTE: When changing the text be sure to delete the brackets and remove the red color.

Dear [School Principal/School Board Members],

Under the Family Educational Rights and Privacy Act (FERPA) I have the right to access all of my child’s “education records,” which includes “those records, files, documents, and other materials which (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.” 34 C.F.R. Part 99.3.

I request that [School Name] immediately release [Child’s name] library record with information as to what books my child has checked out, dates, any outstanding fees, and all other relevant details if these records are kept.

Sincerely,

[Signature]

[Printed Name]

APPENDIX H Two Common Arguments Against School Choice

In your advocacy, it could help to know the two most common arguments against school choice and some facts to support why these arguments are wrong.

School choice programs take money from public schools and use it to fund private schools.

It has been shown that school choice actually *saves* public school districts quite a bit of money. Jeff Spalding, the former Director of Fiscal Policy at The Friedman Foundation and former comptroller for the city of Indianapolis, examined 10 school voucher programs across the nation. He concluded these programs had *saved* their respective states at least \$1.7 *billion* in 20 years.¹

Virtually every school is funded based upon its enrollment numbers. Because of the way voucher and Educational Savings Account (ESA) programs are funded, public schools *still* receive partial funding when a student transfers to a private school because voucher programs only transfer a percentage of funds to the private school and not the full amount.

For example, a state may designate \$5000 for every student that attends a public school. But the state often only funds, e.g., 75% of the cost of a student for a voucher or ESA. This means the private school will receive \$3750. And the public school the student is *not* attending still receives \$1250.

While you will often hear the argument from those who oppose school choice that schools have fixed costs, like buildings, staff, and utilities that can't be reduced when a child transfers, the question then becomes, why does the school need more funding when a student transfers in? In addition, schools often have a separate budget for fixed costs that is not impacted by student enrollment. Bottom-line—when students transfer out of a school, that school is saving money because it receives funds for a student that the school is not educating.

Most private schools are religious. If funds are taken from public schools and given to private schools, then the state is violating the Constitution by funding religion. The state would be violating “separation of church and state.”

The Establishment Clause of the Constitution is often wrongly summarized as “the separation of church and state.” The Constitution does not use these words. The Establishment Clause of the First Amendment declares that “Congress shall make no law respecting an establishment of religion.” The Establishment Clause is not a *sword* intended to keep religious beliefs out of all aspects of the government. It is a *shield* to prevent government from infringing on religious freedom by *establishing* a state religion.

Funding a school choice program is not in violation of the First Amendment. The Supreme Court itself has ruled school choice options that support religious private schools do not violate the Constitution. In *Everson v. Board of Education*, 330 US 1 (1947), the Supreme Court decided it was constitutional for a New Jersey legislature to allow parents to be reimbursed for busing to private schools. The Court declared how fundamental a parent's right to choose was in education.

In *Mueller v. Allen*, the Supreme Court upheld the constitutionality of tax deductions for parents sending their children to private schools and upheld state funds going to a college even if the money were used for private divinity school.²

Most recently, in *Espinoza v. Montana*, the Supreme Court ruled a state cannot prohibit school choice dollars from going to religious private schools. Chief Justice Roberts

wrote, “We have repeatedly held that the Establishment Clause is not offended when religious observers and organizations benefit from neutral government benefits.”³ *Espinoza* declared that states that have laws prohibiting families from using school choice money for private schools are violating the Establishment Clause by being outwardly hostile and biased against *only* religious private schools. In addition, these laws are *penalizing* families for choosing religious schools, which is clearly unconstitutional.

Finally, ESAs (or voucher funds that are distributed directly to parents) are the best way to ensure the state is not promoting religion, because the state hands the money to any parents who meet the requirements, and it is the parents who sign the check or swipe their debit card.

The Supreme Court famously ruled that school choice that puts funds directly in the hands of parents is “true private choice, in which government aid reaches religious schools only as a result of the genuine and independent choices of private individuals.” *Espinoza* reinforced this ruling again, stating it is not the government who “chooses” to fund religious schools, but the families, and this is perfectly constitutional.⁴ Therefore, the state is protected from claims that it is supporting religious beliefs, as funds are distributed to families fairly and neutrally.

Notes

- 1 Jason Bredrick, *How School Choice Saves Money*, CATO AT LIBERTY, (September 2014), accessible at <https://www.cato.org/blog/how-school-choice-saves-money>; The Friedman Foundation is now known as “EdChoice.”
- 2 *Mueller v. Allen*, 463 US 388 (1983); *See also, Witters v. Washington Dep’t of Services for Blind*, 474 U.S. 481 (1986).
- 3 *Espinoza v. Montana Dep’t of Rev.*, 591 U.S. ____ at 7, (2020).
- 3 *Zelman v Simmons-Harris*, 536 U.S. 639, at 649 (2002); *Espinoza* at 7.



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