

Parents Stop Nosy School Questionnaires! Texas Justice Foundation wins landmark case for parents' rights

SAN ANTONIO, TX — In a major victory for the right of parents to shield their children from nosy school questionnaires and psychological examinations, U.S. District Judge Fred Biery signed the Final Order of Judgment on May 3 in the federal case called *Lisa T. et al. v. San Antonio Independent School District (SAISD) et al.* Since the court certified the litigation as a class action to include all parents in the district, the order protects the rights of all SAISD parents.

The wide-reaching agreement is of landmark importance. It was reached as a result of voluntary (not court-ordered) mediation between the parents, represented by the Texas Justice Foundation (TJF), a non-profit, public interest litigation foundation, and the SAISD. It clearly sets forth the right of parents to determine whether their children may participate in psychological surveys and counseling sessions, and it sets an important precedent for other school districts to follow.

"We are hopeful that districts across the state will take a look at what happened in this case and voluntarily implement the same or similar measures to safeguard parental rights," says TJF attorney Tom Stack, who represented the plaintiffs.

The TJF has compiled a *Notice and Declaration of Parental Rights* (reprinted on pages 2-4 and on the TJF's web site www.txjf.org), which parents are encouraged to submit to their children's schools.

The Declaration was not part of the lawsuit and has no special legal standing, but it was compiled from federal and Texas laws, many of which were cited in this case. It is designed to "assist parents in recognizing and exercising their fundamental rights and duties under state and federal law," but does not constitute legal advice or representation.

How This Case Began

The case began when a concerned parent, Lisa T., informed the TJF that her 10-year-old daughter had been given psychological examinations against her wishes since 1995, while attending Hillcrest Elementary School in the SAISD as a 3rd, 4th and 5th grader. Mrs. T. voiced her objections to school district personnel about a variety of issues concerning her children, including sex education, death and suicide education, and the lack of academic instruction.

She told the Internet news service *WorldNetDaily* that her daughter "learned about UFOs, the Bermuda Triangle, medieval times, Egyptian culture and how to embalm," but not spelling or math. She said her daughter later tested three years below grade level and her son tested four

years below grade level.

Rather than address the mother's concerns, the school retaliated by harassing and intimidating her daughter. The child was subjected to interrogations about "what her mother was up to," and she was repeatedly required to answer personal questions.

According to the TJF, such retaliation "places a chilling effect on the exercise of parental rights, free speech, the freedom of religion, and all constitutionally protected rights, including equal protection."

Mrs. T. then lodged a complaint with the SAISD's board of trustees, but the

board decided not to take any action.

Nosy Surveys

A week after the board's decision, intrusive, psychological surveys, including "Getting to Know You," were given to more than 600 students at Thomas Jefferson High School. TJF President Allan Parker described them as "intrusively delving into the feelings and emotions of these minor students, invading their personal privacy and the privacy of their family relationships with their siblings and parents."

The surveys were given in "Academic Coaching" classes which, according to Parker, were "at the heart of SAISD su-

perintendent Diana Lam's restructuring reforms." The classes included compre-



Thomas W. Stack,
Texas Justice Foundation

hensive guidance counseling on a daily basis. Attorney Stack told the court that the counseling was "nothing less than mandatory participation

in group counseling without parental preview or consent, that does not respect the conscience, religious beliefs and convictions of the parents [plaintiffs] or their minor children."

The teachers assured students that their "Getting to Know You" and other survey responses would remain confidential "even from parents." Students were instructed to complete the surveys during class time, and some were asked to provide their names and telephone numbers. Survey questions included: *What do you consider to be the best thing about your home and the worst? How do you get along at home? If you could change one thing about your family, what would it be and why? What's the thing you need most that you are not getting from your family?*

After the questionnaires came to light, Allan Parker publicly called on the board of trustees of SAISD to "either repudiate these questions and protect students' privacy, or call a press conference and tell everyone in San Antonio what is the worst thing about *their* [the board members'] homes, what *they* are not getting from their families, and what *they* would change about their families if they could. He announced that the TJF would be sending copies of this questionnaire to the principal of Thomas Jefferson High and to superintendent Lam.

Attorney Stack called many of the survey questions "downright ridiculous." He added: "Parents have the primary responsibility for their child's education, and the state has the primary responsibility to support that parental role and right."

"Educators need to realize that they are not the captains of the ship, parents are," Stack continued. "We hope this litigation and final court order mean the dawning of a new age for parents in the SAISD, the State of Texas, and perhaps throughout the country."

Parental Rights Provisions of the Final Court Order

◆ SAISD will establish a new district-wide committee of parents and school staff to review surveys that might be personally intrusive, prior to submitting them for approval or rejection by the board of trustees, and before asking for parental consent.

◆ The district must obtain parental consent for all guidance counseling, psychological exams, and intrusive surveys. The consent forms must state if the surveys include controversial topics such as political affiliations, sexual behavior and attitudes, and requests for privileged information, including potentially embarrassing mental and psychological problems.

◆ SAISD shredded all the original Jefferson High School intrusive surveys on Feb. 24 in the presence of parent representatives. Parents of Jefferson High students were notified that they could re-

view a copy of their child's questionnaire prior to the shredding.

◆ The SAISD Academic Coaching classes will henceforth involve only academic issues, not counseling. Any counseling will be handled only by certified counselors.

◆ The district will provide employees with in-service training specifically on state and federal parental rights, and will point out that staff may not retaliate, intimidate, interrogate, or harass students or parents as a result of the exercise of student or parental rights.

◆ The district will make education records available for review by parents and legal guardians as required by law, and will instruct its staff not to tell minor students that records are confidential from parents, unless otherwise allowed by law.

More Excerpts from SAISD's Nosy Surveys

"I am never happy."
"I'm a failure."
"My parents expect too much of me."
"Has anybody close to you died in the last year or so? If yes, who? When? How?"
"Your mom is letting you decide if you want a baby brother or sister or neither. Who would you choose?"

"Do you ever wish you were a boy or a girl instead of what you are?"
"What things do you worry about?"
"Select the group counseling sessions you would like to participate in: Managing Anger; Parent/Teen Conflict; Coping with Stress; Interpersonal Relationship; Grief/Loss; Study Skills; Other."

Defending Parents' Rights in Other States

The Texas Justice Foundation has rendered a great service to parents everywhere by prosecuting and winning this landmark case that stops the San Antonio Independent School District (SAISD) public schools from requiring children to answer nosy questions and undergo psychological counseling. While this court ruling only has a binding effect on the

SAISD, which educates 60,000 children, we hope that parents and their lawyers will use it nationwide.

Public interest law firms and attorneys for parents' and family organizations will be able to compile a "Declaration of Parental Rights" for their own states, using TJF's "Declaration" and its citations as a model.

NOTICE AND DECLARATION OF PARENTAL RIGHTS

Compiled by the Texas Justice Foundation



My name is _____
 My residence address is _____
 This Notice applies to the child(ren) identified below, all of whom are younger than 18 years of age (provide name and date of birth):

The Educational Institution at which the foregoing child(ren) is/are attending for the 19__ - 19(20)__ academic school year is _____ (hereafter "Educational Institution"). My filing of this Notice and Declaration of Parental Rights with the Educational Institution is actual notice of my rights to this Educational Institution, its employees, agents and contractors, and also to _____ Independent School District (hereafter "School District") of which this Educational Institution is a part. The Educational Institution and School District may be referred to, or addressed, either individually or collectively as "you."

1. I have the statutory rights, fundamental rights, duties and authority discussed herein for the foregoing child(ren) because I am the [____] parent; [____] guardian; [____] managing conservator of the child(ren), including, but not limited to (i) the right to have physical possession, to direct the moral and religious training, and to establish the residence of my child(ren); (ii) the duty of care, control, protection, and reasonable discipline of my child(ren); (iii) the duty to support my child(ren), including providing my child(ren) with clothing, food, shelter, medical and dental care, and education; (iv) the right to the services and earnings of my child(ren); (v) the right to consent to my child(ren)'s marriage, enlistment in the armed forces of the United States, medical and dental care, and psychiatric, psychological and surgical treatment; (vi) the right to represent my child(ren) in legal action and to make other decisions of substantial legal significance concerning my child(ren); (vii) the right to make decisions concerning my child(ren)'s education; and (viii) any other right or duty existing between

a parent and child by virtue of law. (Texas Family Code §151.003). You, as state agencies, have no authority to "adopt rules or policies or take any other action that violates the fundamental right and duty of a parent to direct the upbringing of the parent's child." (Act of May 26, 1997, H.B. 425, §3, 75th Leg., R.S.).

2. The very first objective of public education is that I am a full partner with you in the education of my child(ren), and I expect to be treated as such. (Texas Education Code §4.001[b]). This fact is restated again in §26.001(a), which also provides that I am to be encouraged by you to actively participate in creating and implementing the educational programs for my child(ren). (Texas Education Code §26.001[a]).

In fact, the United States Congress has specifically stated, as a founding principle of the U.S. Department of Education, that "The Congress finds that ... parents have the primary responsibility for the education of their children; the States, localities, and private institutions have the primary responsibility for supporting that parental role...." (Department of Education Organization Act, Pub. L. 96-88, Title I, §101, Oct. 17, 1979, 93 Stat. 669, codified in 20 U.S.C. §3401[3]). You are now aware, and are on notice, of your responsibility to support my parental role and rights.

3. I hereby assert, exercise and place you on actual notice of my rights (please note that this is not, nor is it meant to be, an exhaustive list of all of my rights):

Review of Student and Education Records:

a.) I have the right to inspect and review the education records of my child(ren) (Family Educational Rights and Privacy Act [FERPA], 20 U.S.C. §1232g) and all written records of this School District concerning my child(ren), including but not limited to attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and counselor evaluations, reports of behavioral patterns, teaching materials, textbooks, teaching aids, and every test taken by my child(ren) after it is administered and scored. (Texas Education Code §26.004). Section 1983 remedies are available to me for any violation(s) of FERPA. (42 U.S.C. §1983). I _____ (do/do not) give you my consent to release records of my child(ren) if they are requested under the Freedom of Information Act. (20 U.S.C. §1232g). I also _____ (do/do not) give you my consent to make directory information about my child(ren) public. (20 U.S.C. §1232g[a][5][B]).

If there has been a violation of my or my child(ren)'s rights under FERPA, or I have any reason to believe a violation has occurred, I have the right to, and may,

timely file (within 180 days of the date that I knew or should have known of the violation) a complaint with the U.S. Department of Education's Family Policy Compliance Office at 600 Independence Avenue, S.W., Room 1366, Washington, DC 20202-4605, (202-260-3887), TDD (202-260-8956).

Surveys and Evaluations:

b.) I _____ (do/do not) give my written consent to the Educational Institution or School District to require or otherwise subject my child(ren) to any survey, analysis, personal inventory or evaluation that reveals information concerning political affiliations; mental and psychological problems potentially embarrassing to the child(ren) or his/her family; sex behavior and attitudes; illegal, anti-social, self-incriminating and demeaning behavior; critical appraisals of other individuals with whom the child(ren) has/have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program). (Protection of Pupil Rights Amendment [PPRA], 20 U.S.C. §1232h) (Texas Education Code §26.009).

This includes, but is not limited to: (1) all surveys, personal inventories, questionnaires, or any other document that is personally intrusive, invading the privacy of my child(ren), myself, or our family, and/or that delves into the psyche or thoughts of my child(ren), (2) any method of obtaining information, individually or in a group activity, that is not directly related to academic instruction and that is designed to elicit information about attitudes, habits, traits, opinions, beliefs or feelings of my child(ren), and/or (3) any activities that have been designed to affect behavioral, emotional, or attitudinal characteristics of my child(ren). (34 Code of Federal Regulations §98.4[c][1] and [2]).

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

Developmental Guidance/Counseling Programs:

c.) I _____ (do/do not) give my written consent for my child(ren) to participate in, be enrolled in, be solicited for, or be subjected to, in any form or fashion, any comprehensive and/or developmental guidance or counseling program (Texas Education Code §33.004), or integration of such guidance into other curriculum. If I have given my con-

sent, the counselor must be certified, if applicable (§33.002), you must annually conduct a preview of the program for me including all materials and curriculum (§33.004[b]), any materials and curriculum not included in the preview may not be used (§33.004[b]), and the counselor must work and consult with me as the parent for not only the planning and implementation of the developmental guidance and counseling program but also to promote the education and success of my child(ren) (§33.005 and §33.006).

Psychological Exams / Invasion of Privacy:

d.) I _____ (do/do not) give my written consent to have my child(ren) given or administered any psychological examination, test or treatment by any school employee, agent or affiliate, unless proof is provided to me in writing, before any such psychological examination, test or treatment is given, that said examination, test or treatment is required by state or federal law regarding requirements for special education. (Texas Education Code §26.009).

This includes, but is not limited to: (1) all surveys, personal inventories, questionnaires, or any other document that is personally intrusive, invading the privacy of my child(ren), myself, or our family, and/or that delves into the psyche or thoughts of my child(ren), (2) any method of obtaining information, individually or in a group activity, that is not directly related to academic instruction and that is designed to elicit information about attitudes, habits, traits, opinions, beliefs or feelings of my child(ren), and/or (3) any activities that have been designed to affect behavioral, emotional, or attitudinal characteristics of my child(ren). (34 Code of Federal Regulations §98.4[c][1] and [2]).

Outside Counseling & Treatment:

e.) I _____ (do/do not) give my written consent for any referral of my child(ren) to any outside counselor for care or treatment of a chemical dependency or an emotional or psychological condition. If I have given my consent, you must have satisfied all the following or my consent will not be effective or enforceable: (1) I have first been contacted orally and/or in writing and I give my written, affirmative consent at that time; (2) you disclose to me any relationship you have with the particular counselor; (3) you inform me of any alternative public or private source of care or treatment reasonably available in my area; (4) you have obtained the approval of appropriate school district personnel before the referral or suggestion of referral; and (5) you prohibit the release or disclosure of
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This "Notice and Declaration of Parental Rights" was not part of the lawsuit. It was prepared by TJF to assist parents in knowing their rights and to direct the education of their children so that future lawsuits may be avoided.

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my child(ren)'s records that would violate state or federal law. (Texas Education Code §38.010).

School-Community Guidance Center:

f.) If the School District has established a school-community guidance center, I recognize that the placement of my child(ren) into such a center must be preceded with, and is conditioned upon, written notification from the administrator of the school-community guidance center that satisfies all the requirements of TEC §37.054. (Texas Education Code §37.054). I recognize and assert my right to inspect all instructional or guidance materials to be used in any such guidance center. I also recognize and assert my right to inspect the results of any treatment, testing or guidance method involving my child(ren) if I have so consented to said treatment or testing. You may not perform any psychological testing or treatment on my child(ren) without first obtaining my written, affirmative consent. If I refuse to so consent to either testing or treatment of my child(ren), absolutely no further psychological treatment or testing may occur. (§37.054[c]).

Disciplinary Actions:

g.) Section omitted due to space limitations. Please visit TJF web site at www.txjf.org

Safe Schools/Freedom From Violence:

h.) You have the duty, and the authority, to remove disruptive and violent students from the classroom and school, in order to maintain a safe environment for my child(ren), an environment that is conducive to learning and education. (Chapter 37, Texas Education Code). "The primary duty of school officials and teachers ... is the education and training of young people. Without first establishing discipline and maintaining order, teachers cannot begin to educate their students. [T]he school has the obligation to protect pupils from mistreatment by other children ..." *New Jersey v. T.L.O.*, 469 U.S. 325, 350 (1985) (Powell, J., joined by O'Connor, J., concurring).

You are required by law to adopt and enforce a student code of conduct that must (1) specify the circumstances under which a student may be removed from a classroom, campus, or alternative education program; (2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to an alternative education program; and (3) outline conditions under which a student may be suspended as provided by §37.005 or expelled as provided by §37.007 of the Education Code. (Texas Education Code §37.001[a]).

The Texas Legislature created this Zero Tolerance Act to protect my child(ren). Therefore if my child(ren) is/are attacked, assaulted, or otherwise harmed by another student, I want and expect that student to be removed from my child(ren)'s classroom and/or campus.

My child(ren)'s teacher has the duty and authority to remove a disruptive, dangerous or violent child from the classroom, and then it becomes the school principal's responsibility to place the removed student into another appropriate classroom, into in-school suspension, or into an alternative education program. (Texas Education Code §37.002).

My child(ren)'s teacher also has the mandatory, nondiscretionary duty and authority to remove from my child(ren)'s classroom, to be placed in an alternative education program or for expulsion, any child that engages in conduct including, but not limited to: [for AEP Placement] assault (Texas Penal Code §22.01[a]), terroristic threat (Penal Code §22.07), public lewdness (Penal Code §21.07) or indecent exposure (Penal Code 21.08); [for Expulsion] using, exhibiting or possessing a firearm, knife or other weapon, aggravated assault (Penal Code §22.02), sexual assault (Penal Code §22.011), aggravated sexual assault (Penal Code §22.021), indecency with a child (Penal Code §21.11) and selling, giving, delivering or possession of or using a controlled substance, a dangerous drug, or alcoholic beverage. (Texas Education Code §37.006 and §37.007).

Specifically, "assault" is defined as an activity or act that occurs when a person (student) (1) intentionally, knowingly, or recklessly causes bodily injury to another; or (2) intentionally or knowingly threatens another with imminent bodily injury; or (3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. (Texas Penal Code §22.01[a]). You will note that there is no element of, or consideration given for, any alleged or suspected provocation, premeditation, or mutual participation.

In addition, "terroristic threat" is committed when a person (student) threatens to commit any offense involving violence to any person or property with intent to place any person in fear of imminent serious bodily injury. (Texas Penal Code §22.07[a][2]).

Further, the removed child may not re-enter my child(ren)'s classroom or school campus until you have scheduled a conference among the principal (or other appropriate administrator), a parent or guardian of the student, the teacher that removed the student, and the student himself/herself. (Texas Education Code §37.009[a]).

Finally, the board of trustees of this district has the mandatory obligation to deliver a copy of the order placing a student in an alternative education program or expelling a student to the authorized officer of the juvenile court in the county in which the student resides. (Texas Education Code §37.010[a]).

This matter is of grave concern to me as my child(ren) is/are under your care and control during the school day. I therefore must rely on you to protect and secure my child(ren)'s well-being and bodily integrity while he/she is under your care.

Classroom Transfer:

i.) I hereby request a transfer of my child _____ from the _____ grade class taught by _____ (teacher's name) to the following class: _____ (Texas Education Code §26.003 [a][2]). This request to the school principal of this Educational Institution is made prior to my petitioning the board of trustees of the School District.

Should you, the school principal, not grant this transfer, I may exercise my right to petition the board of trustees, in writing, for the transfer and demand a hearing (Texas Education Code §25.034), and will point out the fact that this request was first presented to you, the school principal, and was denied.

Class Attendance for Credit Above Child's Grade Level:

j.) I hereby request that my child _____ who is in the _____ grade be permitted to attend the following class: _____, for credit above the child's grade level, whether in the child's school or another school, unless the School Board or its designated representative reasonably expects that the child cannot perform satisfactorily in the class. (Texas Education Code §26.003[a][3][B]).

Addition of Academic Class:

k.) I hereby request, with the expectation that this request will not be unreasonably denied, that the following academic class(es): _____ be added in the course of study of my child(ren) in keeping with the required curriculum, if sufficient interest is shown in the addition of the class to make it economically practical to offer the class. (Texas Education Code §26.003[a][3][A]).

Removal of Child for Observing Religious Holy Days:

l.) I hereby place you on actual notice of my right to submit this document to you as a request for excused absence(s). You shall excuse my child(ren) from attending school for the purpose of observing the following religious holy day(s), including travel for that purpose: Dates: _____ Holy Days: _____ Others: _____

My child(ren) shall not be penalized for this/these absence(s) and shall be counted as if my child(ren) attended school. My child(ren) shall also be allowed a reasonable time to make up school work missed on this/these day(s), and if my child(ren) satisfactorily complete(s) the school work, the day(s) of absence(s) shall be counted as a day(s) of compulsory attendance. (Texas Education Code §25.087[b]).

Notice of Truancy and Attendance/Truancy Officer

m.) Omitted due to space limitations.

Removal of Child From Classroom or Activity:

n.) I hereby exercise my right to re-

move my child(ren) temporarily from any and every class or other school activity that presents, covers or discusses the following topics or activities because they conflict with my religious and/or moral beliefs. (Texas Education Code §26.010) (Texas Family Code §151.003[a][1]). I request that my child(ren) be placed instead in an academic program in accordance with his intellectual abilities. I request that the classroom materials on these subjects be provided to me and I will then determine how they will be covered with my child(ren) (Circle all that apply):

- Affective Development (including, but not limited to, Non-Academic Decision Making, Non-Academic Problem Solving, Self-Esteem, Interpersonal Effectiveness and Cross-cultural effectiveness).
- Death Education (including, but not limited to, Suicide Education and Euthanasia).
- Dream interpretations, evaluations, meanings, or discussions.
- Drug Education.
- Evolution (other than as a theory only).
- Family Planning and/or Parenting Skills.
- Globalism curriculum, One-World Government, Anti-American or Anti-Nationalism teaching, advocacy, or promotion.
- Guidance Counseling, whether group or individually.
- Human Sexuality (including, but not limited to, Abortion, AIDS, Alternative Lifestyles, Birth Control, Contraceptives and/or their use, Divorce, Extramarital Sex, Homosexuality, Incest, Premarital Sex, Prostitution, Roles and Society Norms of Males and Females, Sex Behavior or Activity).
- Internet Access without direct adult supervision.
- Journaling (including Log Books, Diaries, Personal Journals) on topics that are personally intrusive and/or invasive to my Child(ren)'s, My or Our Family's Right to Privacy and other personal matters.
- Life Skills Instruction - Social and Personal Training (including, but not limited to, Interpersonal Relationships; Non-Academic Personality Tests or Evaluations; Sensitivity Training; exercises in, or strategies that call for or elicit, self-disclosure; attitudes towards or about parents, or the relationship between my child(ren) and his/her parent(s)).
- Meditation, Visualization.
- Origin of the Universe (other than as a theory only).
- Population Growth, Control, or Reduction.
- Psychology or Psychoanalysis (including, but not limited to, Group Encounter Sessions, Sociograms, Self-Evaluations and/or Auto-Criticism, Sociodrama and/or Psychodrama Exercises).
- Religiously offensive literature or reading material.
- Relaxation techniques or exercises (including, but not limited to, Hypnotic Exercises or Techniques, Imagery, Suggestology or other Yoga Techniques).
- Values Clarification (including, but not

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limited to Moral Dilemma Exercises, Life/Death Decision Exercises or Survival Games, Role-Playing involving moral issues).

- Vocational/Career Awareness.
- Witchcraft, Magic ("Black" or "White"), Mysticism, Mother Earth, Gaia, New Age, Occultism, the Supernatural, Wicca - Including the teaching or discussion of said topics.
- _____ (other subjects).

Right to Religious Expression and Exercise:

o.) My child(ren) has/have an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. You may not require, encourage, or coerce my child(ren) to engage in or refrain from such prayer or meditation during any school activity. (Texas Education Code §25.901).

My child(ren) do/does not shed his/her constitutional rights to freedom of speech or expression at the schoolhouse gate; *Tinker v. Des Moines ISD*, 393 U.S. 503 (1969). "All men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences.... No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion ..." (Texas Constitution Article I, §6).

My child(ren) has/have the right to (1) bring to campus, and read, a Bible or other religious book; (2) to evangelize; (3) to hand out or distribute religious literature; (4) participate in before or after school events with religious content; and (5) express their religious beliefs in their homework, artwork and other written or oral assignments. *Westside Community Schools v. Mergens*, 496 U.S. 248 (1990); *Tinker*, 393 U.S. 503; *Clark v. Dallas ISD*, 806 F.Supp. 116 (N.D. Tex. 1992); *Good News/Good Sports Club v. School District of the City of Ladue*, 28 F.3d 1501 (8th Cir. 1994), cert. denied, 115 S.Ct. 2640 (1995); *Religious Expression in Public Schools*, U.S. Dept. of Education Guidelines, Secretary Richard W. Riley, August 1995, Revised and Reissued, May 1998.

Duty to Care for and Control Child's Medical Care:

p.) As the Parent/Guardian/Managing Conservator of the above-mentioned child(ren) I have the right and duty to care, control and protect my child(ren); and provide for their medical and dental care and psychiatric, psychological and surgical treatment. (Texas Family Code §151.003). Therefore, before any physician, nurse, or other health care provider that is provided by you to my child(ren) (as an employee, agent, contractor or affiliate) or is allowed to care for or treat my child(ren), other than reasonably necessary emergency care, they must disclose to me, as the person authorized to consent for my child(ren), the risks and hazards involved in the care or procedure, and must receive my written, signed consent to the medical care, includ-

ing therapy and guidance counseling, before any such care or procedures are administered. (Tex. Rev. Civ. Stat. Ann. art 4590i, §6.05 and §6.06).

Delegation of Authority to Consent to Medical Treatment:

q.) You _____ (do/do not) have the authority to consent, as provided and governed by § 32.001 of the Texas Family Code, to medical, dental, psychological and surgical treatment of my child(ren) if I cannot be contacted, other than reasonably necessary emergency care. (Texas Family Code § 32.001). If I wrote "do not" above, then the child(ren)'s grandparent (telephone no. _____), adult brother or sister (telephone no. _____), adult aunt or uncle (telephone no. _____) (in that order of priority) may give such consent if I cannot be contacted.

School-to-Work:

r.) I _____ (do/do not) hereby give my written consent for my child(ren) to participate in any school-to-work, or related, program which includes, but is not limited to, vocational/career awareness, workplace competencies as a stand-alone course, or as instruction which is integrated with other curriculum. Student participation in a school-to-work program is optional depending on the desire and instruction of myself, the Parent/Guardian/Managing Conservator. Mandatory, indiscriminate participation of any student without authorization and consent of the parent is prohibited. (School-To-Work Opportunities Act of 1994, Pub. L. No. 103-239, §603 and §604, 108 Stat. 568 [1994]; 20 U.S.C. §6101, et seq. [1998]; Letter from Governor George W. Bush to Commissioner of Education, April 1, 1998; Texas Workforce Commission Resolution, April 7, 1998; Commissioner of Education Update on School-to-Careers Program, August 28, 1998).

Bilingual Education/Special Language Program:

s.) I _____ (do/do not) hereby give my written consent for my child(ren)'s entry into or placement in any Bilingual Education or Special Language Program. I must approve my child(ren)'s entry into any Bilingual Education or Special Language Program, exit from said Programs, or placement in said Programs. (Texas Education Code §29.056[a]) (19 Texas Administrative Code §89.1240).

Withholding of Information:

t.) I place you on notice that any attempt by any Educational Institution or School District employee to encourage or coerce my child(ren) to withhold infor-

mation from me is grounds for discipline, since I have the right to full information regarding the school activities of my child(ren). (Texas Education Code §26.008).

Retaliation and Harassment for Exercise of Constitutionally Protected Rights:

u.) Both my child(ren) and I have the right to be free from any and all acts of retaliation, harassment, intimidation, interrogation, or other acts of retribution by any employee or agent of the School District or Educational Institution for the exercise of any of my constitutionally protected rights, including, but not limited to, the right to direct the moral upbringing and education of my child(ren). *Meyer v. Nebraska*, 262 U.S. 390 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925). Section 1983 remedies are available to me against you and/or your employees or agents for any such wrongful acts. (42 U.S.C. §1983).

4. This document shall not be interpreted, as it is not intended, to be exclusive of any other rights, authority, duties or entitlements possessed by me, although not mentioned herein, in my relationship as Parent/Guardian/Managing Conservator of my child(ren) identified above. Neither shall this document act or be interpreted as an affidavit designating another person or agency to act as managing conservator of my child(ren). (Texas Family Code §151.003[d]).

5. By my signature below, I hereby revoke any other documents previously signed by me concerning or otherwise expressing my consent and directive as to my child(ren) listed above. This Notice shall control all issues concerning my child(ren) and how you are to educate and deal with my child(ren). Any future changes to my expressed consent and rights contained herein shall only be effective if it is made in writing and expressly contradicts a specific term of this Notice.

6. If any part, clause, provision or condition of this Notice is held to be void, invalid or inoperative, such voidness, invalidity or inoperativeness shall not affect any other clause, provision or condition hereof; but the remainder of this Notice shall be effective as though such clause, provision or condition had not been contained herein.

7. Please make sure this Notice and Declaration of Parental Rights is placed in my child(ren)'s permanent file(s).

8. I have read this Notice and under-

stand in full the contents thereof, I have signed the same as my own free act, and I completed all blanks before signing.

SIGNED this _____ day of _____, 19(20) _____.

name (printed):

Mother/Father/Guardian/Managing Conservator

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

Notice to Parent: Be sure that for each of your children, you give their respective school campuses an **original, signed notice to be placed in each of your children's permanent file!**

The names and information below are for **your copy of the notice that you keep in your files.**

Signed Receipt by School Official to whom you, the Parent, hand delivered the original of this Notice, and date of receipt. (Hand Delivery of Original is preferred and recommended, but if you choose to send by mail, it is recommended that You address it to the School Principal and send it Certified Mail, Return Receipt Requested).

Signature of Recipient: _____
Printed Name: _____
Date of Receipt: _____

If School Official, or School Employee in the Principal's Office, refuses to sign your copy of this Notice, you should ask for their name and write it, and the date and time you delivered this Notice to the school, below. Just be sure you leave the Original, Signed Notice with the school. They are then on notice of your rights.

Name: _____
Date and Time of Delivery: _____

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