



AN OVERVIEW OF FEDERAL PARENTAL RIGHTS PROTECTIONS IN THE UNITED STATES

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“I do not believe in co-parenting with the government, and I never will. Parental rights are a God-given blessing. I am deeply saddened to see our country even debating who should have the right to raise our children.”

– Lou Holtz, AFPI Chair of the Center for 1776

Over the last few years, parental rights have consistently been trampled on by school boards, school administrators, teachers’ unions, and even some teachers. An ever-growing movement is now infusing classrooms with race-based policies that teach young children to judge others based on skin color, instruction that sexualizes young children, and materials designed to undermine the nuclear family. Many schools and school districts that have adopted these radical practices are blatantly disregarding federal statutes and the American legal tradition. As a result, parents are rightfully concerned and should know what tools exist to protect their children and their sacred rights.

PARENTAL RIGHTS MEANS The Right to Observe Your Child’s Classroom Activities

Parents have a right to know what happens in the classroom concerning their child. Not only do parents have the right to regular parent-teacher conferences, but they can observe what activities are taking place in classrooms as well as any surveys their children are children taking:

The following federal laws have helped establish parents’ right to observe classroom activities:

★ [Every Student Succeeds Act \(ESSA\)](#)

ESSA is a federal law that requires public schools to facilitate “meaningful consultation with parents.” School administrators have an obligation to provide opportunities for parent-teacher conferences, access to school staff, observation of classroom activities, notification of teacher qualifications, and frequent reports on children’s progress.

★ [Protection of Pupils Rights Amendment \(PPRA\)](#)

The PPRA is a law that gives parents the right to inspect “[a]ll instructional materials, including teachers’ manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program.”

PARENTAL RIGHTS MEANS The Right to Enhance Your Child’s Educational Experience

Parents have a right to enhance their child’s education how they see fit. The role of a parent is vital to a child’s ability to mature successfully. It is the parent who protects, rears, and raises the child into the person they become. The Supreme Court recognizes that this role includes the right to help steer the child’s education, whether it is the right to learn a subject or the right to learn in religious schools.



The following Supreme Court decisions have helped explain how parents' right to enhance their children's education experience is protected:

★ [Meyer v. State of Nebraska \(1923\)](#)

In this case, the Supreme Court struck down a Nebraska law that prohibited teachers from teaching foreign languages to grade school students. Robert Meyer taught German to a student and was found guilty of violating the law. However, the Court held that the law was unconstitutional because, while it was in the interest of a state to promote "American ideals," the right of Meyer to teach and the right of the parents to guide their children's education was within their liberties.

"The Ordinance of 1787 declares, 'Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.' Corresponding to the right of control, it is the natural duty of the parent to give his children education suitable to their station in life, and nearly all the States, including Nebraska, enforce this obligation by compulsory laws."

– Justice James Clark McReynolds in [Meyer v. State of Nebraska, 262 U.S. 390 \(1923\)](#).

★ [Pierce v. Society of Sisters \(1925\)](#)

The State of Oregon passed an initiative, via the voters, that amended the Compulsory Education Act by requiring virtually all students to attend public schools. The Society of Sisters was a Catholic organization that ran religious private schools, which would be unable to operate under this newly enacted law. The Court held that the State cannot force children to be instructed only by public teachers. Moreover, this law infringed on the rights of parents to be able to dictate how their children were being raised.

"The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. 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."

– Justice James Clark McReynolds in [Pierce v. Society of Sisters, 268 U.S. 510 \(1925\)](#).

PARENTAL RIGHTS MEANS The Right to Make Decisions Regarding Your Child

Parents are the primary decision-maker regarding their child. The role of the school is to aid, not replace. It is the interests and beliefs of the parents, not the state, that guide a child's education. This includes respecting a family's religious beliefs and the decision of a parent regarding "care, custody, and control."

The following federal laws and Supreme Court decisions have helped establish parents as the primary decision-maker for their children:

FEDERAL LAW

★ [The Department of Education Organization Act \(1979\)](#)

The act that established the Department of Education begins with Congressional findings, including that "parents have the primary responsibility for the education of their children, and States, localities, and private institutions have the primary responsibility for supporting that parental role." It also commits the agency to respect the principle of American federalism, noting that "the primary public responsibility for education is reserved respectively to the States and the local school systems..." ([20 U.S.C. 3401 §101](#))

SUPREME COURT DECISION★ [Wisconsin v. Yoder \(1972\)](#)

Three Amish parents were sued for violating the compulsory education laws of Wisconsin by pulling their children out of school after eighth grade, which was in line with their religious beliefs, rather than leaving them in school until they were 16, which was required by the law. The Court found in favor of the parents, holding that the State cannot violate a sincere free exercise of religion claim by claiming the state has an interest in making education compulsory. Additionally, the Court specifically noted the vocational training that the Amish students receive and its relationship to their way of life.

“The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.”

– Chief Justice Warren Burger in [Wisconsin v. Yoder, 406 U.S. 205 \(1972\)](#).

★ [Troxel v. Granville \(2000\)](#)

In this case, two children’s parents separated, though they were never married, and about two years later the father committed suicide. Though the father’s parents (the children’s paternal grandparents) were accustomed to more frequent visitation rights, the mother limited them following the father’s death. The grandparents filed for visitation rights beyond what the mother was allowing. In this plurality opinion, the Court sided with the mother’s right to limit third-party visitation rights. The Court held that citizen’s rights and liberties, as protected by the Due Process Clause of the 14th Amendment, include a parental right of decision-making “concerning the care, custody, and control of their children.”

“The liberty interest at issue in this case—the interest of parents in the care, custody, and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by this Court... [I]t cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.”

– Justice Sandra Day O’Connor in [Troxel v. Granville, 530 U.S. 57 \(2000\)](#).

PARENTAL RIGHTS MEANS The Right to Protect Your Child’s Privacy

Parents have the right to protect their children’s privacy. Contrary to what progressive teachers say, they do not have the right to know the sexuality of your child, and even more so, they don’t have the right to hide it from parents. Instead, parents have the right to choose who knows what sensitive information, and the right to know all information regarding their child until they turn 18.

The following federal laws protect the privacy of children:★ [Protection of Pupils Rights Amendment \(PPRA\)](#)

Not only does this law protect a parent’s right observe their child’s classroom experience, but it also restricts student participation in survey research. Additionally, this law restricts analysis or evaluation that would reveal information about a student’s political affiliation, mental or psychological problems, sexual behaviors or attitudes, religious practices or affiliation, family income, and other characteristics.

★ [Family Educational Rights and Privacy Act \(FERPA\) 1974 \(revised 2002\)](#)

FERPA protects the privacy of student records and gives parents the legal right to review their children’s education records until they turn 18. Parents also have the right to request corrections and contest elements of a student’s record they believe to be incorrect.

PARENTAL RIGHTS MEANS The Right to Establish One's Family

Progressives have placed a major focus on attacking the family unit. However, America's legal tradition recognizes and affords parents the right to establish their family. Moreover, they have the right to maintain one's family against attempts to separate. In recent years, some progressives have attempted to say that it is in the interest of the child to be reared in a way counter to the interest of the parents. However, the Court has recognized that "the relationship between parent and child is constitutionally protected."

The following Supreme Court decisions have helped establish the right to establish one's family:

★ [Moore v. East Cleveland \(1977\)](#)

This case upholds the sanctity not just of parents, but of the institution of family as a whole. Inez Moore was a grandmother who lived with her son and two grandsons, who were first cousins, not brothers. A housing ordinance permitted only a single family to live together in a housing unit and defined a family as too narrow to encompass the cousin. The Court held that the law should not be so narrow in its definition of family, and that "family is deeply rooted in this Nation's history."

"Our decisions establish that the Constitution protects the sanctity of the family precisely because the institution of the family is deeply rooted in this Nation's history and tradition. It is through the family that we inculcate and pass down many of our most cherished values, moral and cultural."

– Justice Lewis Powell in [Moore v. East Cleveland, 431 U.S. 494 \(1977\)](#).

★ [Quilloin v. Walcott \(1978\)](#)

In this case, a father, who had his child out of wedlock, tried to prevent the mother's husband from adopting the child. The Court ruled that the natural father could not prevent such an adoption. One key point was that the father had never been a part of the child-rearing process, nor did he file to become part of that process. This situation was distinguished from an attempted break-up of a natural family, solely for the "children's best interest" as noted above.

"We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected... We have little doubt that the Due Process Clause would be offended '[i]f a State were to attempt to force the breakup of a natural family, over the objections of the parents and their children, without some showing of unfitness and for the sole reason that to do so was thought to be in the children's best interest."

– Justice Thurgood Marshall in [Quilloin v. Walcott, 434 U.S. 246 \(1978\)](#).