



## Texas Justice Foundation

8122 DATAPOINT, SUITE 812  
SAN ANTONIO, TEXAS 78229

Phone: 210 614 7157

Fax: 210 614 6656

Email: [info@TXJF.org](mailto:info@TXJF.org)

### NOTICE AND DECLARATION OF PARENTAL RIGHTS

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\_\_\_\_- 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, their employees and agents, 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."** (Texas Family Code §151.005; 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]). Your Campus Improvement Plan is even required to provide for a program to encourage parental involvement at my child(ren)'s campus. (Texas Education Code §11.253 [d]).

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, §26.006). 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, Psychological Exams / Invasion of Privacy:**

- 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 my allowance/prohibition for my child(ren) to be 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]).

This further includes, but is not limited to: (1) Structured Reaction Questionnaires; (2) Self-Evaluation/Self-Assessment Exercises, Surveys, Questionnaires; (3) Needs Assessment Instruments/Exercises; (4) Self-Exploration Programs, Exercises, Projects, Assignments; (5) Requests or Invitations for Self-Referral to Individual or Group Counseling Services.

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 Avenue, 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 consent, 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).

If I did NOT give my consent above, then this includes the complete prohibition of the following: (1) Structured Reaction Questionnaires; (2) Self-Evaluation/Self-Assessment Exercises, Surveys, Questionnaires; (3) Needs Assessment Instruments/Exercises; (4) Self-Exploration Programs, Exercises, Projects, Assignments; (5) Requests or Invitations for Self-Referral to Individual or Group Counseling Services

#### **Outside Counseling & Treatment:**

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

**School-Community Guidance Center:**

e.) 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/Corporal Punishment:**

- f. I hereby \_\_\_\_\_ **(do/do not)** consent to reasonable corporal punishment if it is the policy of this Educational Institute or School District to allow me as the parent, guardian or managing conservator of my child(ren) to allow or forbid the use of corporal punishment (include, but not limited to "spanking" or "paddling").

Subject to my consent or non-consent above, I understand that you have the authority to use force, but not deadly force, against my child(ren) because you are entrusted with the care and supervision of my child(ren) (during the school day or at school events) for the special purpose of educating my child(ren), and that you have this authority "when and to the degree [you] reasonably believe[s] the force is necessary to further the special purpose [education] or to maintain discipline in a group." (Texas Penal Code §9.62).

However, I also recognize that my child(ren) has/have the right to be free of state-occasioned damage to his/her bodily integrity! Doe v. Taylor ISD, 15 F.3d 443 (5<sup>th</sup> Cir. 1994). I also recognize, and place you on notice, that the infliction of corporal punishment (spanking) is a deprivation of substantive due process when it is arbitrary, capricious, or wholly unrelated to the legitimate state goal of maintaining an atmosphere conducive to learning. Woodard v. Los Fresnos ISD, 732 F.2d 1243, 1246 (5<sup>th</sup> Cir. 1984).

Because the infliction of any punishment (not just corporal) may transgress constitutionally protected liberty interests (Woodard, at 1245), the Texas Legislature has (1) given me the authority to sue for damages under common law tort remedies (Barr v. Bernhard, 562 S.W.2d 844 [Tex. 1978]); and (2) outlawed excessive punishment of children 14 years of age or younger with the criminal code (Texas Penal Code §22.04 [injury to a child is a felony]).

Corporal punishment, and any punishment for that matter, must be reasonable and moderate, not administered maliciously, in bad faith, in the heat of the moment, or for the purpose of retaliation or revenge. (See, Fee v. Herndon, 900 F.2d 804, 806 [5<sup>th</sup> Cir.], cert. denied, 498 U.S. 908, 111 S.Ct. 279 [1990]; Burton v. Kirby, 775 S.W.2d 834, 836 [Tex. App. - Austin 1989, no writ]).

A professional employee's (superintendent, principal, teacher, supervisor, social worker,

counselor, nurse, teacher's aide, student in an education preparation program participating in a field experience or internship, school bus driver) qualified immunity is waived and he/she is personally liable to me and my child(ren) if he/she uses excessive force in the discipline of my child(ren) or negligence resulting in bodily injury to my child(ren). (Texas Education Code §22.051[a]).

### **Safe Schools / Freedom From Violence:**

g.) 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) outlines 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 wellbeing and bodily integrity while he/she is under your care.

**Classroom Transfer:**

h.) 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:**

i.) 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:**

j. 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:**

k.) Prior written notice is not required for my child(ren) to be excused for the purpose of observing a religious holy day. My child(ren) shall not be penalized for any such 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:**

l.) If my child(ren) has/have been, in a six-month period, absent without an excuse five (5) times for any part of the school day, you are required to give me mandatory written notice of that fact. Said written notice shall specifically state that if my child(ren) is/are absent without an excuse for ten (10) or more days or parts of days in a six-month period, I as the

parent, and my child, are subject to prosecution for a Class C misdemeanor. (Texas Education Code §25.095).

Further, the School Attendance Officer/Truancy Officer, in performing his/her duties, **may not** enter my home or any part of my home without my affirmative permission, except to serve lawful process on me the parent/guardian/managing conservator (or other person standing in parental relation) to my child(ren). The School Attendance Officer also **may not** forcibly take corporal, physical custody of my child(ren) without first receiving affirmative permission from me (or other person standing in parental relation to my child[ren]), except in obedience to a valid process issued by a court of competent jurisdiction. (Texas Education Code §25.091[b]and [c]).

**Removal of Child From Classroom or Activity:**

m.) I hereby exercise my right to remove 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/Instruction (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, Extra-Marital 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, Gender Equity Training, 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, Holistic Healing or Teaching.
- 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, Sandplay Therapy.
- 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).
- Tolerance Training or Instruction on Controversial Topics (including, but not limited to, Homosexuality, Same-Sex Marriage or Partnerships, Family Relations, and Gender Issues or Roles).
- Values Clarification (including, but not 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).
- \_\_\_\_\_ (other subjects).

**Right to Religious Freedom, Expression and Exercise:**

- n. 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 infeasible 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) 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 (8<sup>th</sup> 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.

You may not substantially burden my, my child(ren)'s, or our family's free exercise of religion. (Texas Religious Freedom Reformation Act, Texas Civil Practice and Remedies Code §110.003). If you do so, I have the right to sue you in court (not later than one year after the date I knew or should have known of the substantial burden on the exercise of religion) and recover against you declaratory and injunctive relief, compensatory damages not to exceed \$10,000 for each distinct controversy, and reasonable attorney's fees and court costs. (Tex. Civ. Prac. & Rem. Code §§110.005, 110.007). **(NOTE TO PARENT:** This is new law. If you believe a sincere religious belief has been substantially burdened by the district or one of its agents or employees, immediately contact an attorney to assist you in protecting your rights and obligations [including exhaustion of administrative remedies] under this new statute.)

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

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

I have the right to access my child(ren)'s medical records maintained by the district. On request, you shall provide a copy of my child(ren)'s medical records to me, and you may not impose a charge for that production that exceeds the charge authorized by §552.261 (providing a copy of public information) of the Texas Government Code. (Texas Education Code §38.0095).

#### **Delegation of Authority to Consent to Medical Treatment:**

p.) 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.

#### **Scoliosis Screening:**

IF YOUR CHILD(REN) IS/ARE IN THE 6<sup>TH</sup> OR 9<sup>TH</sup> GRADE, ANSWER THE FOLLOWING:

q.) I \_\_\_\_\_ **(do/do not)** hereby give my written consent for my child(ren) to receive screening for the detection of abnormal spinal curvature, or scoliosis. ). If I wrote

"do not" above, I will substitute a professional examination by an appropriately licensed or certified health practitioner for the School District's screening. (Texas Health and Safety Code §37.002[a]). If the screening performed by the School District indicates abnormal spinal curvature, the preparation of a report is required and shall be mailed to me by the chief administrator of my child(ren)'s school. (Texas Health and Safety Code §37.003). A person who provides screening services for or on behalf of the School District or Educational Institution must be appropriately licensed or certified as a health practitioner or certified as having completed an approved training program in screening for abnormal spinal curvature. (Texas Health and Safety Code §37.004[b]).

IF APPLICABLE, ANSWER THE FOLLOWING:

My child(ren) are **exempt** from vision, hearing, speech, language, and scoliosis screening because they conflict with the tenets and practices of a recognized church or religious denomination, \_\_\_\_\_, of which my child(ren) is/are an adherent or a member. I understand that to be so exempt I must submit to the chief administrator of the my child(ren)'s school(s), on or before the screening procedure, an affidavit stating the objections to said screening. (Texas Health and Safety Code §36.005[b] and §37.002[b]).

**School-Based Health Clinics:**

r.) I \_\_\_\_\_ **(do/do not)** hereby give my written consent for my child(ren) to be provided and/or receive **ongoing services** at a school-based health center at his/her campus. (Texas Education Code §38.011[c]).

IF YOU ANSWERED "DO NOT" ABOVE, THEN ANSWER THE FOLLOWING PARAGRAPH:

My child(ren) \_\_\_\_\_ **(may/may not)** be provided and/or receive **limited services on a single occasion basis** at a school-based health center on his/her campus, but before each occasion you must first obtain my informed, written consent! The following are the only permissible categories of services you may provide to any child at such a center:

- (1) family and home support;
- (2) health care, including immunizations;
- (3) dental health care;
- (4) health education; and
- (5) preventive health strategies.

Reproductive services, counseling, or referrals may **not** be provided through a school-based health center using grant funds awarded under this section. (Texas Education Code §38.011[d]).

The staff of a school-based health center and I as the consenting parent shall **jointly** identify any health-related concerns of my child(ren) that may be interfering with my child (ren)'s well-being or ability to succeed in school. (Texas Education Code §38.011[e]).

If it is determined that my child(ren) is/are in need of a referral for mental health services, the staff of the school-based health center shall notify me **verbally and in writing** of the basis for the referral, AND the referral may not be provided unless I provide written consent

for the type of service to be provided and provide specific written consent for each treatment occasion. (Texas Education Code §38.011[f]).

I have the right to access my child(ren)'s medical records maintained by the district. On request, you shall provide a copy of my child(ren)'s medical records to me, and you may not impose a charge for that production that exceeds the charge authorized by §552.261 (providing a copy of public information) of the Texas Government Code. (Texas Education Code §38.0095).

**School-to-Work:**

s.) 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:**

t. 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:**

u.) 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 information 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:**

v.) 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 understand 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 \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Name (printed): \_\_\_\_\_

Mother/Father/Guardian/Managing Conservator

*This Notice and Declaration of Parental Rights has been prepared by Texas Justice Foundation <http://www.txjf.org>, 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. Net/tom/.../Notice and Declaration of Parental Rights/ 03/27/2000*

**PARENT: BE SURE THAT FOR EACH OF YOUR CHILDREN, YOU GIVE THEIR RESPECTIVE SCHOOL CAMPUSES AN ORIGINAL, SIGNED NOTICE FOR PLACEMENT IN EACH OF YOUR CHILDREN'S PERMANENT FILE!**

**THE NAMES AND INFORMATION BELOW ARE FOR YOUR COPY OF THE SIGNED NOTICE THAT YOU ARE KEEPING FOR YOUR FILES (YOU'RE KEEPING A COPY AND THE ORIGINAL STAYS WITH SCHOOL):**

**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:**\_\_\_\_\_