



- ✓ Valuing Students
- ✓ Empowering Parents
- ✓ Enlightening Communities

## The Law Recognizes Parents Know Best

### U.S. Constitution, 14<sup>th</sup> Amend, Due Process US Code and CFRs

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***“The child is not the mere creature of the state...[the state of Oregon, by forcing parents to place their children in public school] unreasonably interfere[d] with **the liberty of parents and guardians** to direct the upbringing of their children under their control.”***

***-Pierce v. Society of Sisters (1925)***

***“It is cardinal with us that the custody, care and nurture of the children reside **first in the parents**, whose primary functions and freedom include preparation for obligations **the state can neither supply nor hinder.**”***

***-Prince v. Massachusetts (1944)***

***“The primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition...[Parents’ duty to prepare children for] **additional obligations...include the inculcation of moral standards, religious beliefs, and elements of good citizenship.**”***

***-Wisconsin v Yoder (1972)***

***“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.*****

***-Moore v. East Cleveland (1977)***

***“[O]ur constitution long ago rejected any notion that a child is a mere creature of the State and, on the contrary, asserted that **parents have the right coupled with the high duty** to recognize and prepare [their children] for additional obligations.”***

***-Troxel v. Granville (2000)***

**\*Family Educational Rights & Privacy Act (FERPA), 20 USC §1232g** (with regulations at 34 CFR 99) protects privacy of family records and information (e.g., surveys)

**\*Protection of Pupil Rights Act, 20 USC §1232h** requires all instructional materials, surveys, etc. to be available for inspection by parents and guardians



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## Oregon Revised Statutes (ORS)

Defined by the Oregon Legislature

## Oregon Administrative Rules (OAR)

Defined by Agency

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Parents and guardians have the **right to inspect** the instructional materials to be used before or during the time the course is taught (See ORS 336.035(2))

Parents and guardians have the **right to be notified in advance** of any instruction on human sexuality or HIV/AIDS (See ORS 336.035(2))

**Refusal to take part or participate** in any class, course, survey, assembly or school-sponsored activity on human sexuality or HIV/AIDS **shall not be reason for harassment, suspension or expulsion of a student** (See ORS 336.465)

**School teachers or staff who do not want to participate** in presentation of human sexuality or HIV/AIDS curriculum **cannot be sanctioned, disciplined or otherwise compelled** to participate against their conscience (See First Amendment; ORS 336.035(3))

A parent or guardian has the **right to request disclosure of public records** relating to presentation of human sexuality or HIV/AIDS instruction and other subjects under federal and state law (5 USC §552; ORS 192.420, 192.440)

A parent or guardian **can require a school district's attorney to generate a legal opinion** explaining how the school district is addressing the legal interests of all parties in connection with human sexuality or HIV/AIDS instruction and other subjects.