

# **SAMPLE PARENTAL RIGHTS SCHOOL BOARD RESOLUTION**

## **PASSED BY THE WAUKESHA SCHOOL BOARD**

### **ADOPTED JANUARY 2023**

A resolution to affirm the commitment of the School District of Waukesha Board of Education to the rights of parents to be informed of and to direct the education of their minor children.

WHEREAS, The School District of Waukesha Board of Education believes:

1. Parents<sup>1</sup> play the primary role as decision makers in the student's K-12 educational experience.
2. Parents are their child's first teacher and remain teachers and role models throughout their child's educational journey.
3. The relationship between student and classroom teacher should be positive and formative but does not replace the relationship of parent and child<sup>2</sup>.
4. The school day should focus on learning and individual development, with opportunities for constructive play and intellectual curiosity, and with appropriately challenging academic goals for every student.
5. All students deserve to feel welcome at school, regardless of religious beliefs, race, ethnicity or sexual orientation.
6. No student shall be compelled to affirm, through speech, writing or action, an opinion that violates their deeply held personal, religious or moral beliefs.
7. Minor student questions of gender identity and sexuality are personal and private. Any involvement in these topics by school staff should be done with the full consent or collaboration of the parents.
8. Consideration of controversial issues has a place in the instructional program of the District when related to the instructional goals of the course of study and when introduced and conducted properly, the content is age-appropriate, and is without bias or intent to cause harm or disruption.
9. Student physical safety at school is a District priority.
10. Students, and their parents, have a right to privacy, and information security.
11. Licensed student services professionals play a critical role in creating positive school environments and strengthening family-school partnerships, which are essential for student well-being and academic growth.
12. Access to technology is necessary in a modern learning environment. District-issued student devices are an extension of instructional resources, and should not create an unmitigated risk of introducing harmful or inappropriate content.

THEREFORE, BE IT RESOLVED that the School District of Waukesha Board of Education affirms its commitment to the fundamental rights of parents to play the principal role in directing the education of their children, to be fully informed of their children's educational experience, and to expect the District to work to ensure the best possible student outcomes in a safe, secure and inclusive environment.

## SAMPLE PARENTAL RIGHTS SCHOOL BOARD RESOLUTION

Among these rights are the following:

1. **Curriculum Appropriateness and Transparency:** Parents should expect their child to be appropriately challenged and supported in the learning environment, including access to special education and honors programming, where appropriate. Parents have a right to know what is being taught in their child's classrooms and to know what resources are provided to or accessed by their child in the learning environment, including library materials, online resources and digital media, to inspect such materials, and to be assured that those materials are relevant, age-appropriate and not deemed harmful to minors<sup>2</sup>. Parents can expect classrooms, District facilities and District physical assets such as furniture, equipment and computers to be free from political and ideological messaging, signs, flags and symbols that go beyond the scope of relevant or approved curriculum or that do not comply with the District's controversial topics policy<sup>3</sup>.
2. **Student Privacy and Safety:** Parents shall expect the District to protect their children's privacy by refraining from collecting or sharing student personal information, or information of student's family members, that is not deemed necessary for instructional purposes, essential operations of the District (i.e. transportation) or mandated by state or federal law<sup>2</sup>. The District and its authorized affiliates should not collect, give, sell or negotiate access to student personal information without parental consent, and without legitimate purposes related to education or student well-being<sup>2,4</sup>. Parents will be informed of any behavioral or safety events involving their children or dangerous or violent activity on school grounds that may affect their child, or that disrupts their child's educational environment<sup>5</sup>. District-issued student devices are an extension of classroom and approved individual learning resources, will not be used to monitor or collect unauthorized information from students, and will be protected from accessing material that is not directly linked to learning goals or that may be deemed inappropriate or harmful to minors<sup>5</sup>.
3. **Deeply held Family Values:** Parents shall maintain authority over decisions that directly impact the health and well-being of their child. This includes a parent's right to opt their child out of allowable lessons or curriculum that may not align with the family's deeply held personal or religious beliefs. The District will not mandate physical or mental examination or medical intervention beyond statutory obligations, without parental consent<sup>2</sup>. School psychologists, counselors, and social workers, play a critical role in District relations with families in determine the best course of action to serve those utilizing student services for mental health, behavior, emotional, career and learning support<sup>6</sup>.
4. **Student personal and gender identity:** The District celebrates the diversity of our Waukesha community and expects that students feel safe and welcome in the school environment. Staff will cooperate with parents to ensure students are referred to in ways that represent the student's identity<sup>7</sup>.
  - a. District staff will not be permitted to call a minor student by names, nicknames or pronouns other than commonly shortened or abbreviated full names (for example, William to "Bill" or Jennifer to "Jen") or pronouns consistent with the student's biological sex, without written permission from the parent.

## SAMPLE PARENTAL RIGHTS SCHOOL BOARD RESOLUTION

- b. Students will use shared bathroom and locker room facilities according to their biological sex. Students who request exceptions for shared facility use, shall have a plan on file with the school district that is determined by the Superintendent not to introduce an excess of safety or privacy risks for other District students, and that is approved by the parent.
- c. Students will participate in athletics programs consistent with their biological sex and the rules of the Wisconsin Interscholastic Athletics Association (WIAA). Any consideration of alternate placement due to a student's gender identity, must comply with WIAA policy<sup>8</sup>, and be approved by the Board.

BE IT FURTHER RESOLVED that the School District of Waukesha Board of Education directs the Superintendent to develop or confirm procedures to fully protect these rights of District parents and their children to the extent allowed by state and federal law, effective March 1, 2023.

BE IT YET FURTHER RESOLVED that the Board calls on Representative Scott Allen (WI Assembly District 97), Representative Adam Neylon (WI Assembly District 98), Representative Cindy Duchow (WI Assembly District 99), Representative Dave Maxey (WI Assembly District 15), Representative Tom Michalski (WI Assembly District 13), State Senator Rob Hutton (WI Senate District 5), State Senator Chris Kappenga (WI Senate District 33), US Congressman Scott Fitzgerald (US Congressional District 5), US Senator Ron Johnson, US Senator Tammy Baldwin and WI Governor Tony Evers to enhance state and federal legislation that further ensures these rights are protected and afforded to parents of school-age children in the School District of Waukesha in accordance with Article X of the Wisconsin Constitution<sup>9</sup> promising a free and appropriate education to all children, and under the due process clause of the 14<sup>th</sup> Amendment of the Constitution of the United States of America<sup>10</sup> affirming a parent's right to make decisions concerning the care, custody and control of their children and to direct the upbringing and education of children under their control.

This is our collective work.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by a \_\_\_\_\_ vote of the School Board.

### References and Footnotes:

1. For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child)
2. Policy 2416 Student Privacy and Parental Access to Information
3. Policy 2240 Controversial Topics in the Classroom
4. Unless a legally directed investigation otherwise prohibits disclosure.
5. Policy 7540 Technology, 7540.01 Technology Privacy, 7540.02 Web Content, Services and Apps, 7540.03 Student Technology Acceptable Use and Safety, 7450.04 Staff Technology Acceptable Use and Safety
6. Policy 9250 Relations with Parents
7. Policy 5517 Student Anti-harassment
8. Per WIAA Transgender Participation Policy (2018)
9. WI Const art X
10. U.S. Const. amend. XIX

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