



Information for Parents and Guardians with Students in Public Schools

Most of California's Catholic families with school-age children choose to enroll them in the state's public schools—rather than in Catholic or other private schools. However, many families are unfamiliar with the laws that govern what their child will be allowed to do—or asked to do—and unaware of certain ideas and information their child will be taught while at school.

This pamphlet has been prepared to give general information about what the Catholic Church teaches, what state law permits public schools to teach, what freedoms are granted to older students by state law, and what are the rights of parents or guardians regarding the education of their children.

What the Church teaches:

As Catholics, we strongly believe that parents are the first and foremost educators of their children. The *Catholic Catechism* states that families are the “privileged community” where children are meant to grow in wisdom, stature, and grace (# 2206-2209). The Church counsels us to work with public authorities to ensure and protect the rights of parents.

What the law says:

In addition our federal constitution supports the concept that parents have the right to “direct” their children's education. In 1925 the U. S. Supreme Court affirmed unanimously in *Pierce v. Society of Sisters* that “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.”

Objectionable Education

According to California law (*Education Code Sections 51240, 51513, and 51938*) a parent or guardian may request that his or her child be excused from any class, assembly, presentation, discussion, project, survey, extracurricular activity or program presented by the school district and/or by its agents which involve any of the following:

- Sex or family life education
- AIDs or HIV education
- Acquisition and/or use of birth control devices or drugs
- Abortion
- Death education of any type including “assisted suicide”
- Homosexuality
- Sexual perversions
- Showing of R, NC-17 or X-rated films
- Meditation, yoga, conjuring of spirits
- Witchcraft
- Counseling except as recommended by the student's physician
- Questionnaires, role playing or other strategies to examine the moral and religious beliefs of the student and/or the student's family members
- Diversity education which teaches tolerance for variant lifestyles

By law, at the beginning of each school year, public schools send home many documents. In one of these documents, the school district will be giving notification that the school *assumes* approval of all of the school's curriculum and activities.

In other words, if a parent or guardian *does not approve* of any of the topics mentioned above he or she must notify the school. If the parent or guardian does nothing the school officials can and will assume approval or an “opt-in” to the school's entire program.

However, the language explaining the school's policy regarding “opt-in” and “opt-out” is written in “legalese” and can easily be overlooked or misunderstood by families.

In plain words:

- ⇒ Parents or guardians who object to certain education offered to their children must specifically request that they be excused, i.e., they must “opt-out,” or the school assumes that permission for the students to participate has been granted.



- ☞ In order to make that “specific request” a parent or guardian must complete an “opt-out” form. A standard “opt-out” form can be obtained from the school office.
- ☞ A signed “opt-out” form must be submitted for each student and for each type of objectionable activity from which that student is to be excused.
- ☞ An “opt-out” form for each student *is only considered valid for the current school year—and must be resubmitted annually.*
- ☞ All parents or guardians have the right to be informed of the content and approximate date of presentation of *all materials and subjects.*
- ☞ In addition, all parents or guardians have the right to examine copies of all tests, questionnaires, or surveys that inquire about students’ or their parents’ personal beliefs, family life, religion or sex practices.

Confidential Medical Services

From the time students enter the 7th grade in a public school, they are granted complete freedom for purposes of securing confidential medical services, which may include contraceptives, abortions and psychotropic drugs.

That policy is the result of a 1997 court decision (*American Academy of Pediatrics v. Lungren*) which extended the “right of privacy” to minors. The California Supreme Court ruled that a minor’s right to privacy superseded the minor’s parents’ rights as guardians.

In addition, in 2004 California’s Attorney General Lockyer wrote an opinion supporting that school policy, saying:

“We conclude that a school district may not adopt a policy pursuant to which the school will notify a parent when a student leaves school to receive confidential medical services.”



Confidential medical services may include abortion, birth control, AIDS treatment and/or psychological analysis.

Ordinarily, parents or guardians must grant written permission for their children to participate in off campus activities or to receive over-the-counter medication from school personnel. However, when a student requests confidential medical services, then he or she can actually be released without parental knowledge or permission during school hours to receive those services.

Like the notification regarding “opt-out” for objectionable educational activities, at the beginning of each school year, parents or guardians are notified of this public school policy for students in grades 7-12.

And like the notification about the availability of an “opt-out,” the information about the policy of releasing students for confidential medical services may also be overlooked or misunderstood.

More information:

It is important that Catholic families be aware of the standard practices and policies of California public schools.

Because of the schools’ standard “opt-in” policy, parents or guardians must assert their right for information and their right to “opt-out” of certain objectionable education.

Because there is no “opt-out” available in the case of confidential medical services, it is important that parents or guardians maintain close communication with their children.

Catholic parents need to counsel their young people that an “opt-out” is available for objectionable educational activity and that their medical needs are best served by involving their parents or guardians.

More information on the California Education code, Legislation, Court decisions and Attorney General rulings (in English) is available on the website for the California Catholic Conference:

<http://www.cacatholic.org/issuesedu.html>