# Form: Parental Rights and Options Information

As a parent, you are the most important voice in your child's education. Texas law recognizes that students do best when families are informed, involved, and respected. Parents are partners with educators, administrators, and school boards of trustees in their children's education. Parents have specific rights outlined in the Texas Education Code including Chapter 26: Parental Rights and Responsibilities.

This form provides information about many of the parental rights and options described in the Texas Education Code, including the right to refuse or remove your child from certain activities and instruction. It is not a complete description of all parental rights. Parents should review this form along with their district's student handbook.

## Rights Regarding School Options

Parents are entitled to choose the educational setting that best fits their child, including public school options or private schools (including home school programs). Parents may be eligible for funding to support their choice through educational savings accounts. If parents choose public schools, there are a variety of options within that category, including options within and outside of your current school district like public charter schools and virtual/hybrid programs and campuses.

A parent has the right to petition the district school board if the parent would like to request the assignment or transfer of their child to a different school in the district. Parents can also request transfers when their children are victims of certain offenses such as sexual assault or bullying.

Children of peace officers and military personnel also have certain rights related to where they can attend school.

Parents have the right to access public education grants to request assignment at a different school or district when their child's current school scores an unacceptable rating according to Texas' academic accountability system.

## Rights Regarding Course of Study and Supplemental Services

Parents have a right to participate and direct their child's academic career. They are allowed to request changes to their child's course assignments, including the addition of specific classes to the overall offerings of their child's school and placing their child in a more advanced class. There are also additional services available for students who are struggling with their coursework or who do not meet satisfactory performance on state assessments. Parents have the right to be informed of and reject these services.

Districts must inform parents when their child is assigned an uncertified teacher or an inappropriately certified teacher (as this term is defined by law) for more than thirty consecutive instructional days during a school year.

Additionally, a parent typically must be notified if they have a child in prekindergarten through grade 4 and the class exceeds twenty-two students.

Once in ninth grade, a district must notify a parent each year of opportunities for their child to earn college credit and work-based education programs, and parents will be part of the development of students' personal graduation plans.

## Rights Regarding State Standards and Requirements

Public schools are required to follow the Texas Essential Knowledge and Skills (TEKS) when adopting their curriculum. Parents have certain rights to participate in the development and updating of these standards through the State Board of Education's processes.

## Rights Regarding Instructional Materials and Library Materials

To increase and sustain parental involvement in children's education, parents have many rights of access and oversight of instructional materials used in their children's classrooms. A parent is entitled to review all teaching materials, instructional materials, and other teaching aids used in their child's classroom. Similarly, parents are entitled to access and review available library materials. Parents may submit lists of library materials that their child is not permitted to access which the school must enforce. Parents must also be able to access their student's library records. Parents may request formal reviews of both instructional materials and library materials.

## Rights Regarding Grade, Class Rank, and Attendance Information

Before each school year, a district must adopt a grading policy that describes how grades for class assignments and examinations will be awarded. Additionally, your district or school will post on their website an instructional plan or course syllabus for each class offered each semester. Each child's teacher must also give this to a parent as well, and a parent can ask for another copy at any time.

Texas has a law that requires children of specific ages to attend school, typically referred to as the compulsory attendance law. Parents have certain rights that exempt their child from compulsory attendance or authorize excused absences. The state requires a student to be present for 90 percent of the days a class is offered in order to receive credit for a course or a final grade. A parent can, however, petition a district's attendance committee for their child to regain credit for a course or a final grade in certain cases if the child's attendance is below 90 percent. While students are still responsible for missed work, parents may request that their child be excused for 1 to 5 hours per week to attend religious instruction. Parents may also remove their child from a class or activity that conflicts with their religious or moral beliefs by submitting a written request to their child's teacher.

State law now requires the commissioner of education to develop a standard way of calculating grade point average (GPA) that districts must use. A GPA is used to help develop students' class ranking. School districts have certain obligations to provide information to parents and students informing them of automatic admission into state teaching institutions for students who reach certain levels of class ranking.

Parents are also encouraged to find out more about each school district board's plan for parental participation, which is required to improve parent and teacher cooperation, including in the areas of homework, school attendance, and discipline.

## Rights Regarding Student Promotion, Retention, and Graduation Policies

Parents have certain rights to request that their child progress in their educational career more slowly or quickly depending on their abilities and progress. A parent may request that their child repeat certain grades or courses.

Districts are required to notify parents about halfway through each grading period if their child's performance in reading/language arts, math, science, or social studies is unsatisfactory. Additionally, a district must offer at least two opportunities each year for in-person conferences between each parent and their child's teachers.

School districts must provide parents with certain information about graduation requirements and involve them in developing personal graduation plans.

## Rights Regarding Health Education Instruction

To tailor a student's educational experience to their parents' values and beliefs as well as those of their communities, there are certain parental rights associated with the health education provided to students. Each district must have a local school health advisory council (SHAC), which must be composed of mostly parents of enrolled students, to help make certain decisions around the district's health education and other health-related decisions.

Parents must also provide written consent before schools provide any human sexuality instruction.

## Rights Regarding Sexual Orientation and Gender Identity

The state legislature has prohibited instruction and guidance for students relating to sexual orientation or gender identities. Additionally, school districts must have a policy and prohibit staff assistance of students socially transitioning. Parents have certain rights relating to observed violations of this policy and school boards must investigate complaints.

## Rights Regarding Immunizations

The Texas Department of State Health Services (DSHS) establishes required immunizations for students who attend public schools in Texas. Parents who wish to exempt their child from the required immunizations can access an exemption affidavit form from the DSHS website.

## Rights Regarding Health Care and Health-Related Services

Before the first day of the school year, districts must inform parents of each health-related service offered at the campus their child attends. Health-related services will vary by campus and district but might include services such as school counseling services, physical health screenings, first aid, management of chronic illnesses, medication administration, social skills training, substance abuse prevention, and stress management. When notice is provided to a parent, a statement must also be provided of the parent's right to decline or deny consent for any health-related service.

Parents retain their right to make medical and health care decisions for their child and consent will be sought prior to care being provided unless it is for life saving care or otherwise prohibited or not required under other existing laws.

A parent may submit a written request to the school to administer nonprescription medication to their child if the medication provided by the parent is unexpired, appears to be in the original container, and the dose requested by the parent is consistent with the container's label. Prescription medication that the parent

would like administered to their child at school would need to also be submitted with a written request by the parent asking that it be administered to the child while at school.

School counselors must implement a comprehensive school counseling program in accordance with state law and guidelines. However, each school must annually conduct a preview of the program for parents, and parents could choose to remove their child from the services provided under this program.

## Rights Regarding Gifted and Talented Programs

School districts must develop a process to identify and serve students who are considered gifted and talented. Each district has a policy about how gifted and talented students are identified and served.

## Rights Regarding Special Education, Bilingual Education, and Special Language Programs

Students with disabilities and emergent bilingual students are entitled to certain protections and programming under both federal and state law. Parents have the right to be involved and informed in their educational experience and are entitled to receive specific notices to ensure their participation in meetings regarding their child's educational needs.

Parents of students who are emergent bilingual who qualify or might qualify for bilingual or special language programs can access information regarding their rights in those programs.

Parents of students who receive special education services or who think their students might be eligible for special education services can review an Overview of Special Education for Parents form or can access SpedTex for more information.

## Rights Regarding Data Collection Practices

There are certain protections available for student and family information obtained from a student at school. Parental consent is required for many types of surveys or information gathering before those can occur, including information that involves gathering a student's biometric identifiers such as fingerprints or retina scans. School districts are also required to consult with parents to create local policies that cover parental rights during surveys or physical exams and the collection of personal information from students.

Additionally, the release of student-level information maintained by a district would be prohibited, with limited exceptions, without parental consent to release that information.

## Rights Regarding Grievance Procedures

Parents have several options when they suspect a requirement is not being followed. You are encouraged to work through disagreements with your child's teacher(s) and campus administrators. School districts must also have a local grievance process to ensure parents can submit a grievance to the individuals most able to address their concern and to appeal up to the board of trustees, or a committee composed of some of the board members, within timelines designated by law. Districts are required to post on their websites and in student handbooks their procedures for resolving grievances and the forms for filing grievances.

In certain cases, a parent may appeal to the commissioner of education. If a public school appears to be violating an education law of the state, the parent may also file a complaint with the agency.