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PACIFIC JUSTICE INSTITUTE

PJI.ORG

INSTRUCTIONS

Thank you for accessing PJI's Notice of Reasonable Expectation of Privacy. We hope the attached form will assist you and your family in maintaining your constitutional privacy rights in the public schools. Simply fill out the attached one-page Notice with your basic info and signature, check all the boxes of rights you wish to assert, and give that page (do not include this one) to your child's teacher(s), principal, superintendent, and school board members.

FREQUENTLY ASKED QUESTIONS

Q: Why do I need this Notice of Privacy?

A: During the debate over the recently-enacted AB 1266, PJI became very concerned as we heard the bill's supporters act as though constitutional privacy rights were not important. Specifically, transgender activists dismissed students' privacy rights to share intimate spaces such as bathrooms, locker rooms, showers, and overnight school sleeping arrangements with members of only the same biological sex. It was also suggested that students today don't care about their privacy as much, and thus their rights have diminished. PJI strongly disagrees with these characterizations, and we believe that one remedy on the path back toward sanity is affirmative assertion of these rights.

Q: Will submitting this Notice cancel out the bad effects of AB 1266?

A: Not quite. We can't undo all the damage of AB 1266. But this Notice is a very important reminder to school personnel that no state or federal law can override privacy rights.

Q: What if school officials ignore this form and my child's privacy rights are violated anyway?

A: If you feel that your child's privacy rights are actually violated in the ways identified by this Notice, contact PJI immediately. Our full contact info is available at www.pji.org. We will be evaluating every violation carefully to determine the best candidate(s) for filing suit.

Q: When should I submit this form?

A: We recommend submitting this form as soon as you receive it. Ideally, that would be at the start of the school year, but there is no legal deadline, so it can be submitted anytime.

Q: Who should I give this form to?

A: The more school authorities you give it to, the better! Start with your child's teacher(s) and principal, but consider also sending it to the superintendent of your school district and school board members. The more school officials who receive these notices from parents, the more likely your rights will be respected.

Q: Should I share this form with my family and friends?

A: Absolutely! We only ask that you give proper attribution to PJI and do not alter the form in any way. For family and friends outside California, we have prepared a separate Notice, also available at www.PJI.org.

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NOTICE OF REASONABLE EXPECTATION OF PRIVACY

To: School District administrators, teachers, and staff

From: Parent/Guardian of enrolled pupil

Effective Date: _____

You are hereby notified that I/we, the undersigned parent(s) of _____, a child enrolled at _____, a school in the _____ District, invoke, assert and expressly do not waive the constitutional and statutory privacy rights of ourselves and our children while they are on the above-named campus, or any other site under the control or supervision of the District.

Specifically, our reasonable expectations of privacy include the following:

- Our child will not be subjected to the view of any other person, adult or minor, whether in person, by camera or other visual surveillance, in a state of either full or partial nudity, when that person does not share the anatomical, biological and chromosomal sex of our child.

- Our child will not be subjected to any tests, questioning, or assignments that probe our child or family's beliefs, practices or customs regarding gender identity, sex, sexual orientation, political views, health (medical or mental), economic status, morality, family life, or religion.

- Our child's biometric data, of any kind, will not be collected without our written consent. Such biometric data includes, but is not limited to, fingerprints, DNA, retinal or iris scans, computerized facial recognition, non-emergency pulse measurements, and any other such data that is recorded and stored electronically. This assertion of our child's privacy rights inheres regardless of whether such biometric data is requested or demanded by federal, state, District, or school site officials.

- Our child will not be strip searched, or ordered to disrobe, without prior parental consent, except in exigent circumstances, as narrowly defined by the U.S. Supreme Court.

- Our child's grades, test or quiz scores, or other assessments will not be disclosed to other pupils.

These rights are asserted primarily, but not exclusively, under Cal. Const. Art. I, § 1; U.S. Const. amends. I, IV, V, IX, and XIV; 20 U.S.C. §1232g (FERPA); 20 U.S.C. §1232h; Cal. Educ. Code §§ 231, 49062 et seq., 49070, 51500, 51501, 51513, 51933 et seq.; Cal. Civ. Code §1798 et seq. Issuance of this notice renders it unlikely that you will be able to claim qualified immunity for violations of our child's privacy rights. This Notice was prepared by Pacific Justice Institute, www.pji.org.

Signed: _____

Date: _____

Printed name of parent/guardian: _____