

‘Parent-Free Zones’ Becoming Reality? Court Backs Schools Keeping Secrets

Massachusetts parents of a middle school student are hoping to take their case against their child’s school district to the U.S. Supreme Court. That comes after a federal court ruled they do not have a constitutional right to be informed that their daughter changed her gender identity and name while at school. The court essentially ruled that her school had a right to hide that information from the parents.

The 1st U.S. Circuit Court of Appeals upheld a lower court’s decision to dismiss a lawsuit by parents, Stephen Foote and Marissa Silvestri, who challenged the Baird Middle School’s policy of concealing a child’s gender identity and other information from them.

The parents had written the school and told them their daughter was gender-confused and under professional care and that no one was to communicate with her about it, the Daily Signal reports. However, the child told school officials that she considered herself “genderqueer” and said she did not want her parents to know about it.

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According to the lawsuit, teachers and other school employees began referring to the 11-year-old girl by a different name and gender identity of the child’s choosing at school.

Meanwhile, they used the child's given name and gender identity when communicating with the parents.

They also asked the young girl if her parents were providing her with "appropriate care," and if she was comfortable discussing issues with the counselor chosen by her parents. Much of these conversations took place by text, behind closed doors, and in online chat rooms without her parents' consent.

The parents filed a federal lawsuit in 2022 against the school alleging that the school violated their due process rights under the U.S. Constitution's 14th Amendment.

A three-judge panel ruled last week that while parents have a fundamental right to be informed about significant aspects of their child's life and direct them, those rights are limited.

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It added that the nondisclosure policy adopted by the Ludlow School Committee did "not restrict parental rights in a way courts have recognized as a violation of the guarantees of substantive due process."

"As per our understanding of Supreme Court precedent, our pluralistic society assigns those curricular and administrative decisions to the expertise of school officials, charged with the responsibility of educating children," the panel wrote.

Vernadette Ramirez Broyles, president and General Counsel for the Child & Parental Rights Campaign, represented the parents in this case. She is considering asking the Supreme Court to intervene because the 1st Circuit Court "wrongly apprehended the fundamental parental right at issue."

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