

Health & Sex Education Opt-Out

INSTRUCTIONS

The California Healthy Youth Act (AB 329) mandates Comprehensive Sexual Education for students in grades 7 through 12, and optionally, for students in grades K-6. A parent or guardian can decide to opt out his or her child from the sexual education course by simply submitting the opt-out in writing to the school district.

California Education Code Section 51240 states *“If any part of a school’s instruction in health conflicts with the religious training and beliefs of a parent or guardian of a pupil, the pupil, upon written request of the parent or guardian, shall be excused from the part of the instruction that conflicts with the religious training and beliefs”* or *“personal moral convictions”* of the family.

In addition, Section 51938 of the Education Code protects the right of parents “to excuse their child from all or part of comprehensive sex education, HIV prevention education, and assessments related to that education.” Parents can excuse their child by submitting “their request in writing to the school district.”

Finally, under a federal law known as the Protection of Pupil Rights Amendment (20 U.S. Code § 1232h), schools must allow parents to opt their child out of any surveys that ask questions regarding the following topics:

1. Political affiliations or beliefs of the student or the student’s parent.
2. Mental or psychological problems of the student or the student’s family.
3. Sex behavior or attitudes.
4. Illegal, anti-social, self-incriminating, or demeaning behavior.
5. Critical appraisals of other individuals with whom respondents have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or the student’s parent.
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

The school district must comply with the California Education Codes 51240 and 51938, AB 329, and with the federal Protection of Pupil Rights Amendment.

EASY TO FOLLOW OPT-OUT INSTRUCTIONS

1. Make an appointment with your school district office to review the Health Curriculum, the Comprehensive Sex Education curriculum, and any surveys being given to your child.
2. After reviewing the district’s curriculum and surveys, fill out the Health & Sex Education Opt-Out Notification form.
3. Send the opt-out notice to the school principal via email, fax or in person. Keep a copy for your records.
4. Tell your child that you have filled out the form to excuse him or her from the objectionable health instruction, including the sex education course and any related surveys, and that the teacher must allow him or her to be excused.
5. To help us build a team of like-minded parents and guardians who are in opposition to the California Healthy Youth Act, please send the Let Parents Decide Coalition the following information:

Your Name

School District

Date the Opt-Out Form was Submitted

(Email the information to: OptOutMovement@gmail.com)

Health & Sex Education Opt-Out

NOTIFICATION

Dear _____ (Principal)

As you are aware, California Education Code § 51240 requires a school, upon receipt of a written request from a parent or guardian, to excuse a student from all aspects of a school's instruction in health that conflict with the religious training and beliefs of the family. Additionally, the federal Protection of Pupil Rights Amendment (20 U.S.C. § 1232h) requires a school to excuse a student from any survey containing questions about sex behavior or attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; religious practices, affiliations, or beliefs of the student or the student's parent; or any of the other topics listed in the law.

After reviewing the content that is required or permitted to be taught under the California Healthy Youth Act, I have determined that this content conflicts with our family's religious beliefs. This letter serves as notice to opt my child _____ out of all instruction taught in order to comply with the California Healthy Youth Act.

In addition, this letter also serves as notice to opt my child out of all Health instruction that conflicts with our religious training and beliefs. This includes instruction, materials, presentations, or programming that discuss gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family.

Finally, this letter also serves as notice to opt my child out of all surveys that contain questions regarding sex behavior or attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; religious practices, affiliations, or beliefs of the student or the student's parent; or the other topics listed 20 U.S.C. § 1232h(c)(1)(B).

Please confirm in writing that you have received this notification and inform me of the procedures the school will use to ensure that my child is excused from receiving this health instruction that conflicts with our religious beliefs.

Sincerely,

Parent/Guardian Signature

Date

Parent/Guardian Phone #: _____

Parent/Guardian Email: _____

Parent/Guardian Address: _____
