



## Opting Out: A Summary of Parental Rights Laws Relating to Opting Children Out of Certain Public School Classes and Activities







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July 2025

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# Introduction

Dear Parent, Grandparent, or Guardian,

Parents have a fundamental, pre-political right to direct the upbringing, education, and care of their minor children. Contrary to a quickly-revised 2005 ruling by the Ninth Circuit, this right does not simply evaporate at the school house door.

One way parents of public school children exercise this right to direct their child's education is to opt their child out of certain materials that the parent finds objectionable or contrary to the worldview they wish to instill in their child. But just how readily a parent is able to enforce their decision varies from state to state, and sometimes from school to school.

On June 27, 2025, the Supreme Court handed down its decision in *Mahmoud v. Taylor* which reinforced this parental right on the basis of religion. This decision will no doubt alter the opt-out provisions and policies of some states and many districts.

At the time of this review, however, that decision had not been published. What follows, then, is a list of laws by state as they are currently on the books, before any state legislature has had the chance to amend them to comport with that Supreme Court decision.

The majority of these laws are not likely to change as a direct result of the *Mahmoud* ruling, but if you find your local situation to be in question, I encourage you to check with an education attorney in your state.

I hope you find this information helpful as you look to exercise your parental rights to best protect and provide for your children.

Sincerely,

A handwritten signature in black ink that reads "Michael". The script is cursive and fluid, with the first letter 'M' being particularly large and stylized.

Michael Ramey  
President  
Parental Rights Foundation







## State-by-State Overview



## Alabama

Alabama statutes state that parents may opt their child out of instruction about a disease or its symptoms, development, and treatment by presenting to the school principal a signed statement that such instruction conflicts with the teachings of their church.<sup>1</sup>

Sex education is not mandated by state statute. If a school has a program or curriculum that includes sex education or human reproduction, it must give parents or guardians advanced, written notification. Upon request, the school must make the sex education curriculum available to parents and guardians.<sup>2</sup> All schools must have a child sexual abuse prevention instructional program that includes techniques to teach children to recognize child sexual abuse, equip them with skills to reduce their vulnerability, and encourage them to report the abuse. Parental involvement within the program is encouraged.<sup>3</sup>

### Notes:

- Parents' right to opt out is limited to the above topics. It does not extend to sex education as a whole.<sup>4</sup>
- Any sex education program or curriculum must, at a minimum:
  - Emphasize the importance of abstinence
  - Be age-appropriate and medically accurate
  - Include information concerning the laws prohibiting sexual abuse, the need to report such abuse, and the legal options available to victims of sexual abuse
- Note that Alabama has passed a bill in 2023, H.B. 6, which may provide additional rights to parents: <https://arc-sos.state.al.us/ucp/L1287028.AI1.pdf>.

### For More Information:

- Ala. Code § 16-41-6.
- Ala. Code § 16-40A-2(d).
- Ala. Code § 16-40-9(d).
- *Hood v. Major*, No. 2:05-CV-1032-RDP, 2006 WL 8436627 (N.D. Ala. Nov. 29, 2006).

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<sup>1</sup> Ala. Code § 16-41-6.

<sup>2</sup> Ala. Code § 16-40A-2(d).

<sup>3</sup> Ala. Code § 16-40-9(d).

<sup>4</sup> *Hood v. Major*, No. 2:05-CV-1032-RDP, 2006 WL 8436627 (N.D. Ala. Nov. 29, 2006).





## Alaska

Alaska statutes state an employee of a school district may not administer a survey to a student unless they have obtained permission from the parent or legal guardian. If the questionnaire or survey is anonymous, the school does not need to obtain permission from the parent or legal guardian, but the school must provide the parent or legal guardian the opportunity to deny permission to take the questionnaire or survey. The parent must be given at least two weeks' notice to exercise their opt-out right.<sup>1</sup>

Parents have the right to object to and withdraw their child from activities, classes, or programs that involve human reproduction or sexual matters. Parents must be notified at least two weeks before any of these programs begin. Parents have the right to remove their child from any of these activities, classes, or programs without any repercussions to the student. The parent must object each time they wish to withdraw their child from an activity class or program.<sup>2</sup>

### Notes:

- Parents also have the right to object to and withdraw their child from a standards-based assessment or test required by the state.
- Parents have the right to withdraw their child from an activity, class, program, or standards-based assessment or test required by the state for a religious holiday.
- Parents have the right to review the content of an activity, class, performance standard, or program.
- A school employee or volunteer may always answer a question from a child about any topic.

### For More Information:

- Alaska Statute § 14.03.110(a)-(e) (2022).
- Alaska Statute § 14.03.016 (2016). A parent's right to direct the education of the parent's child.

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<sup>1</sup> Alaska Statute § 14.03.110(a)-(e) (2022).

<sup>2</sup> Alaska Statute § 14.03.016 (2016).





## Arizona

Arizona statutes state that a school district may not offer any sex education to students unless the students' parents provide written permission for the child to participate.<sup>1</sup>

Parents may opt their student out of any activity they find objectionable due to sexual content, violent content, or profane or vulgar language. Schools must obtain signed, written consent from a parent before using video, audio, or electronic materials that may be inappropriate for the age of a student.<sup>2</sup>

Sex education instruction is prohibited before grade five. Schools must make sex education curricula available for parental review at least two weeks before instruction, and obtain written parental consent (opt-in) for student participation. School boards must review and approve sex education courses, providing parents with opportunities to participate in the review process, including public hearings and a 60-day public comment period.<sup>3</sup>

Prior to any mental health screening of a student the school district must have obtained the written consent of the pupil's parent or legal guardian.<sup>4</sup>

### Notes:

- Parents have the right to opt-out of immunizations.
- Parents have the right to opt-out of instruction on acquired immune deficiency syndrome (AIDS).
- Parents have the right to inspect the school district's policies and curriculum.
- Note that Arizona has a specific statute protecting parental rights, which may provide additional rights to parents. For more information, please see Ariz. Rev. Stat. § 1-601 (2010), § 15-143. Educational records; rights of parents; and § 15-117. Surveys.

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1 Ariz. Rev. Stat. §15-102 (2022).

2 Ariz. Rev. Stat. §15-113 (2022).

3 Ariz. Rev. Stat. §15-104 (2022).

4 Ariz. Rev. Stat. §15-711 (2022).

**For More Information:**

- Ariz. Rev. Stat. §15-102 (2022).
- Ariz. Rev. Stat. 15-104 (2022).
- Ariz. Rev. Stat. §15-113 (2022).
- Ariz. Rev. Stat. §15-711 (2022).





## Arkansas

Arkansas statutes state that parental consent to contraceptive services and condom distribution must be specific, in writing, and kept in the student's health records.<sup>1</sup>

Parents must opt-in for surveys that ask for personally identifiable information. Parents may refuse their student's participation.<sup>2</sup>

Public schools must provide parents with prior written notification before their child participates in instruction related to sex education, sexual orientation, or gender identity. Schools must allow parents to inspect all related curricula, materials, tests, surveys, and activities. Schools must offer a means for parents to opt their child out of such instruction without academic penalty, provided the student completes alternative health-related lessons.<sup>3</sup>

Schools must inform parents that student participation in fundraising is voluntary. Schools must obtain written parental permission before a student engages in fundraising activities, and ensure that elementary students selling items door-to-door are accompanied by an adult, unless the school provides supervision.<sup>4</sup>

### Notes:

- Schools that have sex education in their school health clinics shall include instruction on abstinence but shall not allow any funds to be used for abortion referral.
- No state funds shall be used for the purchase or dispensing of contraceptives or abortifacients in public schools.
- Every public school and public health department sex education and AIDS prevention program shall emphasize premarital abstinence as the only 100% effective means of avoiding pregnancy and the sexual contraction of AIDS and other sexually transmitted diseases.
- State funds shall not be used for abortion referrals or abortion services in public schools.

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<sup>1</sup> Ark. Code Ann. § 6-18-703 (2017).

<sup>2</sup> Ark. Code Ann. § 6-18-1303 (2019).

<sup>3</sup> Ark. Code Ann. § 6-16-1006 (2024).

<sup>4</sup> Ark. Code Ann. § 6-18-1104 (2024).

- A student may be excused from a physical examination by a school appointed physician if they provide a certificate from a reputable physician to show proof of a recent examination or if their parent objects to such an examination. However, if the child is suspected of having a contagious disease, then there may be no objections to an examination.<sup>1</sup> Parents have the right to exempt their child from immunizations based on both religious and philosophical grounds; this exemption must be renewed annually.<sup>2</sup>

**For More Information:**

- Ark. Code Ann. § 6-16-1006 (2024).
- Ark. Code Ann. § 6-18-703 (2017).
- Ark. Code Ann. § 6-18-701 (2017).
- Ark. Code Ann. § 6-18-702(4)(d) (2017).
- Ark. Code Ann. § 6-18-1104 (2024).
- Ark. Code Ann. § 6-18-1303 (2019).

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<sup>1</sup> Ark. Code Ann. § 6-18-701 (2017).

<sup>2</sup> Ark. Code Ann. § 6-18-702(4)(d) (2017).

## California

California statutes state that parents have the right to excuse their children from all or part of the sexual health education,<sup>1</sup> HIV prevention education, and any assessments related to that education through a passive consent process. This is also known as an “opt-out” process, meaning parents must choose to have their child not participate in all or part of the sexual health education.<sup>2</sup> Parents must be notified of their right to opt-out of and review any and all methods used to survey or test students grades 7-12 on their attitudes concerning practices relating to sex. The questions used must be age-appropriate. Finally, California law provides, with certain exceptions, that “parents and guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children...”<sup>3</sup>

### Notes:

- Parents must be notified of their right to opt-out at enrollment.
- Parents have the right to inspect the materials chosen by the school district to be used for sexual education.
- Schools must provide parents with information about any outside consultants used to teach sexual education materials, including the name of the organization or affiliation of the speaker and the date of the instruction.
  - This notification must occur no fewer than 14 days before the instruction is delivered using either mail or a commonly used method of notification.
- California does not have the authority to create an opt-in<sup>4</sup> choice for students to receive comprehensive sexual education, HIV prevention education, and assessments.

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<sup>1</sup> Cal. Ed. Code § 51931(b) (2019). “Comprehensive sexual health education” means education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections.”

<sup>2</sup> Cal. Ed. Code § 51938 (2016). (a) A parent or guardian of a pupil has the right to excuse their child from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent (“opt-out”) process. A school district shall not require active parental consent (“opt-in”) for comprehensive sexual health education and HIV prevention education.

<sup>3</sup> Cal. Ed. Code § 51101 (2004).

<sup>4</sup> Active parental consent (or opt-in) is when a student cannot participate in comprehensive sexual health, HIV prevention education, or assessments without parental consent.

## Case Law:

Parents submitted a written opt-out notice to a school requesting their child be removed from the comprehensive sexual health program. The school responded saying that the child would be removed from the program and surveys but clarified that the opt-out privilege does not apply to discussions about gender, sexual orientation, and family life outside the context of the comprehensive sexual health education program. The court ruled on procedural grounds and cited the exception, section 51932(b), in its decision. See *Left Out v. L.A. Unified Sch. Dist.*, 2021 Cal. Super. LEXIS 4066 (Cal. Super. Court Mar. 9, 2021).

Exceptions: 51932(b) states that “This chapter does not apply to instruction, materials, presentations, or programming that discuss gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and do not discuss human reproductive organs and their functions.”

- The opt-out statute applies primarily to sexual education, not to other areas of education such as a social science class, meaning parents would not be able to opt-out of discussions pertaining to gender, gender identity, gender expression, etc. when outside of the realm of sexual education.<sup>5</sup>

## For More Information:

- Education Code, Title 2, Division 4, Part 28, Chapter 5.6
  - Cal. Ed. Code § 51931(b) (2019).
  - Cal. Ed. Code § 51938 (2016).
  - [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=EDC&sectionNum=51938](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=51938)
- See also: *Left Out v. L.A. Unified Sch. Dist.*, 2021 Cal. Super. LEXIS 4066 (Cal. Super. Court Mar. 9, 2021).
- Website from California Parental Rights law firm, Pivtorak Law Firm: <https://www.piv4law.com/new-blog/2022/6/3/parental-rights-in-california-for-sex-education-and-gender-ideology>

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<sup>5</sup> See <https://www.piv4law.com/new-blog/2022/6/3/parental-rights-in-california-for-sex-education-and-gender-ideology> for more information.



## Colorado

Parents have the right to be notified in advance about the content of a school's sexuality education curriculum and can opt their children out of such instruction. Colorado statutes also set standards for comprehensive human sexuality education.<sup>1</sup>

Colorado statutes state that a school must obtain written consent from a student's parent or legal guardian before giving the student any survey, assessment, analysis, or evaluation intended to reveal information, even if that information is not personally identifiable.<sup>2</sup>

### Notes:

- The above includes information concerning:
  - Political affiliations;
  - Mental and psychological conditions potentially embarrassing to the student or the student's family;
  - Sexual behavior and attitudes;
  - Illegal, anti-social, self-incriminating, or demeaning behavior;
  - Critical appraisals of individuals with whom a student has close family relationships;
  - Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and members of the clergy;
  - Income, except as required by law;
  - Social security number; or
  - Religious practices, affiliations, or beliefs
- Note that Colorado has a specific statute protecting parental rights, which may provide additional rights to parents. For more information, please see Colo. Rev. Stat. § 13-22-107(1)(a) (2003).

### For More Information:

- Colo. Rev. Stat. § 22-1-128 (2019).
- Colo. Rev. Stat. § 22-1-123(5)(a)-(b) (2020).

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<sup>1</sup> Colo. Rev. Stat. § 22-1-128 (2019).

<sup>2</sup> Colo. Rev. Stat. § 22-1-123(5)(a)-(b) (2020).





## Connecticut

Connecticut statutes require local and regional boards of education to offer family life education, which includes instruction on human sexuality. The statutes state that no student shall be required by any school to participate in any family life program. Parents may exercise their opt-out right by means of a written notification to the local or regional board.<sup>1</sup>

School districts are required to provide education on sexual abuse and assault awareness and prevention. Parents and guardians have the right to opt their child out of lessons pertaining to sexual abuse or sexual assault.<sup>2</sup>

### **For More Information:**

- Conn. Gen. Stat. §10-16(d)-(e) (2018).
- Conn. Gen. Stat. §17a-101q (2024).

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<sup>1</sup> Conn. Gen. Stat. §10-16(d)-(e) (2018).

<sup>2</sup> Conn. Gen. Stat. §17a-101q (2024).







## Delaware

Delaware statutes state that the use of the state content standards for health education for grades K through 12 to address core concepts shall only be addressed with minimum hours of instruction.<sup>1</sup> Delaware does not have any opt-in or opt-out policy in its legislation.

**Notes:**

- Core concepts include tobacco, alcohol, and other drugs, injury prevention and safety, nutrition and physical activity, family life and sexuality, personal health and wellness, mental health, and community and environmental health.

**For More Information:**

- Del. Code Title 14 § 851-2.1 (2020).

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<sup>1</sup> Del. Code Title 14 § 851-2.1 (2020).





## District of Columbia

D.C. statutes state that parents have the right to excuse their children from human sexuality and reproduction courses and programs.<sup>1</sup> This is a passive consent process which can also be known as an “opt-out” process, meaning, parents must choose to have their child not participate in the courses or programs.<sup>2</sup> Parents must be notified in writing by the principal prior to the course, and all instructional materials must be available for review to parents or guardians of students taking the courses.<sup>3</sup> The course content shall be taught from grades pre-K through twelve (12), and the content will be age appropriate.<sup>4</sup>

### Notes:

- Parents must be notified of their right to opt-out prior to the material being taught.
- Parents have the right to inspect the materials chosen by the teachers and Board of Education.
- Parents only have the right to opt their children out of human sexuality and reproduction courses or programs.<sup>5</sup>
  - Human sexuality and reproduction includes but is not limited to the following:
    - Information on human anatomy, physical changes during adolescence, menstruation, intercourse, pregnancy, childbirth, lactation, venereal disease, contraception, abortion, homosexuality, reduction of infant mortality, improvement of pregnancy outcomes, and awareness and prevention of rape and other sex offenses; and
    - Discussion of the process of making personal decisions in matters involving parenting and sexuality.

### For More Information:

- D.C. Mun. Reg. Tit. 5 § E2304 (1994).
- D.C. Mun. Reg. Tit. 5 § E2305 (1979).

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1 D.C. Mun. Reg. Tit. 5 §2305.5 (1979).  
2 D.C. Mun. Reg. Tit. 5 §2305.5 (1979).  
3 D.C. Mun. Reg. Tit. 5 §2305.4 (1979).  
4 D.C. Mun. Reg. Tit. 5 §2305.2 (1979).  
5 D.C. Mun. Reg. Tit. 5 §2305.5 (1979).





## Florida

Florida statutes state that any student shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, and its symptoms, development, and treatment, at the written request of the parent (opt-out). This exemption shall not penalize the student.<sup>1</sup>

Parents have the right to opt their minor child out of any portion of the school district's comprehensive health education required under Florida law. Schools must notify parents about the content of the health education curriculum, allowing them to make informed decisions regarding their child's participation.<sup>2</sup>

Schools are prohibited from providing instruction about sexual orientation and gender identity from Pre-K through 8th grade. Additionally, school districts are required to notify parents if there is a change in their student's services or monitoring related to the student's mental, emotional, or physical health or well-being.<sup>3</sup>

### Notes:

- Note that Florida has a specific statute protecting parental rights, which may provide additional rights to parents. For more information, please see Fla. Stat. § 1014.03 (2021).

### For More Information:

- Fla. Stat. §1003.42(5)
- Fla. Stat. §1003.46
- Fla. Stat. §1014.01 — 1014.06.
- Fla. Stat. §1002.20(3)(d).
- Fla. Stat. §1001.42

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<sup>1</sup> Fla. Stat. § 1003.42(5).

<sup>2</sup> Fla. Stat. § 1002.20(3)(d).

<sup>3</sup> Fla. Stat. § 1001.42.





## Georgia

The Georgia Parents' Bill of Rights affirms that parents have the fundamental right to direct the upbringing and education of their children, and allows parents to review instructional materials, opt their children out of sex education, and object to instructional content they find objectionable.<sup>1</sup>

Georgia statutes state that parents have the right to elect, in writing, for their child not to receive sexual education.<sup>2</sup>

### Notes:

- The sexual education courses in the public schools shall include instruction concerning human biology, conception, pregnancy, birth, sexually transmitted diseases (STDs), and acquired immune deficiency syndrome (AIDS).
- The course shall include age-appropriate sexual abuse and assault awareness and prevention education in kindergarten through 9th grade.
- Note that Georgia has a specific statute protecting parental rights, which may provide additional rights to parents. For more information, please see Ga. Code Ann. § 20-2-786 (2022).

### For More Information:

- Ga. Code § 20-2-143 (2020).
- Ga. Code § 20-2-786 (2022).

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<sup>1</sup> Ga. Code § 20-2-786 (2022).

<sup>2</sup> Ga. Code § 20-2-143 (2020).







## Hawaii

Hawaii statutes mandate that the state shall educate students on abstinence, contractions, and methods of disease prevention, and ways to prevent unintended pregnancies using age-appropriate information.<sup>1</sup>

### Notes:

- “Age appropriate” means suitable to a particular age or age group based on developing cognitive, emotional, and behavioral capacity typical for that age or age group.
- Parents can request that their child be excused from sexual health education. Parents may also opt-out of having their children participate in instruction related to controversial issues.<sup>2</sup> Parents must be notified of controversial issues that will be discussed. If a student is excused by a parent's request, the student must be provided with an alternative learning activity. This notification does not apply to the comprehensive sexual health education.
- There is nothing in state statutes that requires schools to notify parents that instruction is taking place, only that schools post this information on their website prior to instruction.

### For More Information:

- Haw. Rev. Stat. § 321-11.1 (2009). Medically accurate sexuality health education.
- Board of Education Policy 103-5 on Sexual Health Education
- Board of Education Policy 101.13 & Opt-out Process

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<sup>1</sup> Haw. Rev. Stat. § 321-11.1 (2009).

<sup>2</sup> Board of Education Policy 103-5 on Sexual Health Education





## Idaho

Idaho statutes state that a parent may request that their child be excused from any planned sexual education by filing a written request to the school district board of trustees. If the student is excused, the school must provide alternative education for the student.<sup>1</sup>

A student may be excused from Idaho's direct writing assessment and direct mathematics assessment if the parent and the student's teacher agree that such an exclusion is educationally appropriate for the student.<sup>2</sup>

### Notes:

- This exemption is available to students who have not been enrolled for two full school years in an elementary school or secondary school in the United States, and who scored less than a level four on the state assessment used to determine English language proficiency.
- Note that Idaho has a specific statute protecting parental rights, which may provide additional rights to parents. For more information, please see Idaho Code § 32-1010 – 1014 (2015) and Idaho Code § 33-6001.

### For More Information:

- Idaho Code § 33-1611 (1970).
- Idaho Code § 33-1618 (2006).

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<sup>1</sup> Idaho Code § 33-1611 (1970).

<sup>2</sup> Idaho Code § 33-1618 (2006).



## Illinois

Illinois statutes state that a student's parent may opt them out of comprehensive personal health and safety and comprehensive sexual health education without any sort of penalty for the student.<sup>1</sup> Schools may not implement opt-in policies for personal health and safety and comprehensive sexual health education; they may only use opt-out policies. Parents must have the ability to review the materials used in a class or course, either electronically or in-person.

### Notes:

- All classes that teach comprehensive personal health and safety and comprehensive sexual health education shall satisfy the following criteria:
  - Material must be age- and developmentally-appropriate, medically accurate, complete, culturally appropriate, inclusive, and trauma-informed.
  - Course material must be evidence-based.
  - Course material must be inclusive and sensitive to the needs of students based on their status as:
    - Pregnant or parenting;
    - Living with STIs, including HIV;
    - Sexually active, asexual, or intersex, based on their gender, gender identity, gender expression, sexual orientation, sexual behavior; or
    - Disability.
  - Course materials must be accessible to students with disabilities.
  - Course materials must help students develop self-advocacy skills, and skills for developing healthy relationships.
  - Course materials must provide students with information to help them safely use the internet, and to guide them on where to find confidential services related to parenting, bullying, interpersonal and sexual violence, suicide prevention, and more. (See Ill. Comp. Stat. 5/27-9.1(b)(8) (2022))
  - Materials must provide information related to minor confidentiality and consent.
  - Materials may not promote any bias against any person, may not employ gender stereotypes, and shall be inclusive of and not insensitive or unresponsive to the needs of survivors of interpersonal or sexual violence.

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<sup>1</sup> Ill. Comp. Stat. 5/27-9.1(b) (2022).

- Materials may not promote any religious doctrine.
- Materials may not withhold any information that is health-promoting or lifesaving about culturally appropriate health care and services.

**For More Information:**

- Ill. Comp. Stat. 5/27-9.1(b) (2022).



## Indiana

Indiana statutes state students may not participate in sexual health education unless the student's parent has consented to the student's participation (opt-in). The consent form must contain a summary of the contents of the instruction and must indicate that the parent has the right to review all the material. If a student does not participate in the sexual health education, the school must provide alternative academic instruction during the time that the sexual education takes place. If the parent fails to respond to the consent form within 31 days,<sup>1</sup> the school will provide the student with sexual health education unless the parent opts-out of the instruction.<sup>2</sup>

Schools may not provide instruction on human sexuality in pre-kindergarten through 3rd grade.<sup>3</sup>

Schools must notify parents if a student requests a change in name, pronoun, or title. Parents must be informed of any such requests, and schools are required to obtain parental consent before accommodating them.<sup>4</sup>

### Notes:

- Schools must allow parents to inspect curriculum materials related to instruction on human sexuality, and any materials used in an evaluation, survey, or personal analysis with regards to political affiliations, religious beliefs or practices, mental or psychological conditions of the student, sexual behavior or attitudes, illegal behavior, income, and more. (See Ind. Code § 20-30-5-17(b) (2020) for complete list).
- Parents may object to their student participating in education on hygiene and sanitary science if it conflicts with the student's religious teachings.<sup>5</sup>
  - Students may not receive any penalties if they do not participate in this instruction.
- A student may be exempt at the request of their parent from the Core 40 curriculum requirement for an Indiana diploma, and may be required to complete the general curriculum for an Indiana diploma with a general designation to be eligible to graduate.<sup>6</sup>

<sup>1</sup> If the parent does not respond within 21 days, the school shall provide the parent with a written notice requesting that the parent indicate if they consent or decline instruction. If the parent does not respond within 10 days of receiving the notice, then the school will provide the student with sexual health education.

<sup>2</sup> Ind. Code § 20-30-5-17 (2020).

<sup>3</sup> Ind. Code § 20-30-17 (2023).

<sup>4</sup> Ind. Code § 20-30-17-1 (2023).

<sup>5</sup> Ind. Code § 20-30-5-9 (2020).

<sup>6</sup> Ind. Code § 20-32-4-7 (2020).

- Indiana Code 31-14-13-4: “Except as otherwise provided in an order by a court, the custodial parent may determine the child’s upbringing, which includes education, health care, and religious training, unless the court determines that the best interests of the child require a limitation on this authority.”

**For More Information:**

- Ind. Code § 20-30-5-17 (2020).
- Ind. Code § 20-30-5-9 (2020).
- Ind. Code § 20-32-4-7 (2020).





## Iowa

Iowa statutes state that a student is not required to participate in physical education or health classes if their parent files a written statement to tell the school that the course conflicts with the student's religious beliefs.<sup>1</sup>

Schools are required to provide instruction in human growth and development, including information on human sexuality, HIV/AIDS, and sexually transmitted diseases. Parents or guardians must receive notice of both sex and HIV/AIDS education and may opt their children out of any part of the instruction if it conflicts with the student's religious beliefs.<sup>2</sup>

### Notes:

- Health education consists of personal health; food and nutrition; family life; human growth and development; prevention and control of disease, including sexually transmitted diseases and acquired immune deficiency syndrome (AIDS) and more. (See Iowa Code § 256.11(5)(j) (2001) for full list).<sup>3</sup>
- Note that Iowa has a specific statute protecting parental rights, providing parents with additional rights in the context of public education, and requiring public schools to take proactive steps regarding education. This law provides additional rights to parents. For more information, please see Iowa SF 496, passed in 2023.

### For More Information:

- Iowa Code § 256.11(5)(j) (2001).
- Iowa Code § 256.11(6) (2001).
- Iowa Code § 279.50 (2023).

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<sup>1</sup> Iowa Code § 256.11(6) (2001).

<sup>2</sup> Iowa Code § 279.50 (2023).

<sup>3</sup> Iowa Code § 256.11(5)(j) (2001).





## Kansas

Kansas statutes state a parent may submit a signed written statement to excuse their child from a health assessment when the student's religion is opposed to the assessment.<sup>1</sup>

### Notes:

- "Health assessment" means a health history, physical examination, and such screening tests as are medically indicated to determine hearing ability, vision ability, nutrition adequacy and appropriate growth and development.
- The school may prohibit any employee or student from school attendance if they have not completed the required health assessment or submitted the written statement excusing them from having to complete the health assessment.
- There is no specific language outlined what mental and physical wellness means in Kansas legislation. However, the Kansas State Board of Education has provided a resource for parents that outlines what the curriculum entails and guidance for opt-in/opt-out procedures: [https://www.ksde.org/Portals/0/CSAS/Content%20Area%20\(F-L\)/Health%20Education/Kansas%20Model%20Curricular%20Standards%20for%20Health%20Education%20rev110218.pdf?ver=2018-11-02-133420-393](https://www.ksde.org/Portals/0/CSAS/Content%20Area%20(F-L)/Health%20Education/Kansas%20Model%20Curricular%20Standards%20for%20Health%20Education%20rev110218.pdf?ver=2018-11-02-133420-393)
  - These procedures are governed by local school boards.
- Note that Kansas has specific statutes protecting parental rights, which may provide additional rights to parents. For more information, please see Kan. Stat. Ann. § 38-141(2)(b) (1996) and Kan. Stat. Ann. § 60-5305(a)(1) (2013).

### For More Information:

- Kan. Stat. § 72-5214 (2015).
- Kan. Code § 72-3218(4) (2005).
- [https://www.ksde.org/Portals/0/CSAS/Content%20Area%20\(F-L\)/Health%20Education/Kansas%20Model%20Curricular%20Standards%20for%20Health%20Education%20rev110218.pdf?ver=2018-11-02-133420-393](https://www.ksde.org/Portals/0/CSAS/Content%20Area%20(F-L)/Health%20Education/Kansas%20Model%20Curricular%20Standards%20for%20Health%20Education%20rev110218.pdf?ver=2018-11-02-133420-393)

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<sup>1</sup> Kan. Stat. § 72-5214 (2015).





## Kentucky

Kentucky statutes state that if a school adopts a curriculum for human sexuality or sexually transmitted diseases, it must include instruction on abstinence as the desired goal; abstinence as the only way to definitely avoid contracting sexually transmitted diseases, unwanted pregnancies and other health problems; and that the best way to avoid sexually transmitted diseases is to establish a permanent relationship with only one partner.

Additionally, this statute prohibits instruction on human sexuality and sexually transmitted diseases for children in grades five and below. For children in grades six and up, schools must notify the students' parents in advance and obtain the parent's written consent before the student undergoes such instruction.<sup>1</sup>

### **For More Information:**

- Ky. Rev. Stat. § 158.1415 (2018).
- [https://education.ky.gov/curriculum/standards/kyacadstand/Documents/Kentucky\\_Academic\\_Standards\\_for\\_Health%20Education.pdf](https://education.ky.gov/curriculum/standards/kyacadstand/Documents/Kentucky_Academic_Standards_for_Health%20Education.pdf)

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<sup>1</sup> Ky. Rev. Stat. § 158.1415 (2018).



## Louisiana

Louisiana statutes state that public schools are not required to offer sexual education instruction so long as the instruction is integrated into another course such as biology, science, physical education, or physical hygiene. Local (parish) school boards have the authority to decide whether sex education instruction will be provided. Any student shall be excused from sexual education at the discretion of their parent (opt-out). <sup>1</sup>

Additionally, statutes affirm that that parents have the right to be involved in their children's education and outline specific rights, including: (1) the right to receive written notice and opt their child out of instruction on topics associated with sexual activity, and (2) the right to receive written notice and opt their child out of surveys that include questions about sexual experiences, family beliefs, morality, religion, political affiliations, or mental health issues. <sup>2</sup>

### Notes:

- Sexual education shall not include religious beliefs, practices in human sexuality, or the subjective moral and ethical judgments of the teacher.
- Contraceptives shall not be distributed at any public school.
- Sexual abstinence shall be encouraged and shall be emphasized in sex education. Instruction shall emphasize abstinence from sexual activity as:
  - The expected standard for all school-aged children
  - The best way to avoid unwanted pregnancy, sexually transmitted diseases, including AIDS and other associated health problems.
- No sexual education program shall in any way counsel or advocate for abortion.
- The Preamble to Louisiana's Children's Code provides general language protecting parental rights, which may be relevant to individual parents. For more information, please see La. Child. Code Ann. art. 101. Preamble (2015).

### For More Information:

- La. Rev. Stat. § 17:281 (1993).
- La. Rev. Stat. § 17:406.9 (2018).

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<sup>1</sup> La. Rev. Stat. § 17:281 (1993).

<sup>2</sup> La. Rev. Stat. § 17:406.9 (2018).







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## Maine

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Maine statute states that a parent may choose to have their child not participate in a school's comprehensive family life education program (opt-out).<sup>1</sup>

**For More Information:**

- Me. Stat. Tit. 22 § 1911 (2001).

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<sup>1</sup> Me. Stat. Tit. 22 § 1911 (2001).





## Maryland

Maryland statutes state that each school system shall have a comprehensive health education which will help students adopt and maintain healthy behaviors and skills. Schools will also provide family life and human sexuality instruction. Parents have the ability to opt out of this instruction, and have their students be given appropriate alternative learning activities and/or assessments in health education.<sup>1</sup> Opt-out policies regarding family life and human sexuality must be written and implemented at the local level.

### Notes:

- Maryland legislation requires that teachers emphasize abstinence.
- Maryland allows local school boards control and determination of the curriculum for family life and human sexuality.
- Maryland's human sexuality instruction is mandated to begin in or prior to 5th grade.
- Local school districts cannot implement active "opt-in" policies for the Prevention Youth Risk Behavior Surveillance System survey.<sup>2</sup>
  - The Prevention Youth Risk Behavior Surveillance System survey is designed to identify risk behaviors such as use of helmets and seat belts, depression and mental health, use of tobacco, alcohol, or other drugs, nutrition and physical activity, and sexual behavior.
  - Parents can obtain a copy of the survey questions as well as contact information of the Centers for Disease Control and Prevention.
  - Parents shall be notified that the survey will be administered and can choose to deny permission for their student to participate.

### For More Information:

- Md. Code Regs. 13A.04.18.01 (2019).
- Md. Ed. Code Ann. § 7-420 (2021).

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<sup>1</sup> Md. Code Regs. 13A.04.18.01 (2019).

<sup>2</sup> Md. Ed. Code Ann. § 7-420 (2021).





## Massachusetts

Massachusetts statutes state every school that implements a sexual education program shall adopt a parental notification policy. This policy will allow parents to exempt their children from any portion of the sexual education curriculum using a written notification to the school principal. A student who is exempt will not be penalized for their exemption.<sup>1</sup>

### **Notes:**

- Every school (locality) must write a parental notification policy regarding human sexual education in Massachusetts.
- Massachusetts parents must notify the school principal in writing to excuse their child from the curriculum.

### **For More Information:**

- Mass. Gen. Laws ch. 71 § 32A (2022).

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<sup>1</sup> Mass. Gen. Laws ch. 71 § 32A (2022).





## Michigan

Michigan statutes state that parents can object in writing to health instruction and have their student excused. The student shall not be required to attend a class for which the student has been excused.<sup>1</sup> A parent may request in writing that their student be excused from attending a reproductive health class with no penalty to the student.<sup>2</sup>

### Notes:

- Michigan law requires that teachers “stress” abstinence.
- Registration of a student in a family planning or reproductive health course is not allowed unless the parents are notified in advance and given the chance to review course materials.
  - Students shall not be penalized for being excused from attending a class in family planning or reproductive health.
- In Michigan, the local school board must establish a sex education advisory board (with discretion to decide terms of service and the number of members who sit on the advisory board). The sex education advisory board must reflect the school district population (with co-chairs, one of whom must be a parent whose child attends the local school).
  - Local elections are important here; they make up part of the sex education advisory board.
- Abortion cannot be taught in Michigan schools.<sup>3</sup>
- Michigan parents should know that if they file a continuing written notice, their child is excused from family planning or reproductive health classes OR as outlined in subsection (1) from attending classes in which the subject of reproductive health is under discussion.<sup>4</sup>
- Note that Michigan has specific statutes protecting parental rights, which may provide additional rights to parents. For more information, please see Mich. Comp. Laws § 380.10 (1996) and Mich. Comp. Laws. § 380.1507 (requires parental notification and allows parental opt-out for sex education).

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<sup>1</sup> Mich. Comp. Laws § 333.9101 (1978).

<sup>2</sup> Mich. Comp. Laws § 333.1506 (1976).

<sup>3</sup> Mich. Comp. Laws § 333.1507 (2004).

<sup>4</sup> Mich. Comp. Laws § 333.1507(a) (1996).

**For More Information:**

- Mich. Comp. Laws § 333.9101 (1978).
- Mich. Comp. Laws § 333.1506 (1976).
- Mich. Comp. Laws § 333.1507 (2004).
- Mich. Comp. Laws § 333.1507(a) (1996).





## Minnesota

Minnesota statutes state that every school district must have a way for each parent or guardian of a student to review the content or materials to be provided to the student. The school must also make reasonable arrangements for alternative instruction. The school is not required to pay for the costs of the alternative instruction if provided by a parent or guardian. No penalty shall be imposed upon a student for having alternative instruction.<sup>1</sup>

School districts and charter schools must develop and adopt policies on conducting student surveys and using personal information collected from the surveys. Parents must be notified and given the opportunity to opt their students out of participating in such surveys.<sup>2</sup>

Parents have the right to opt out of immunization requirements for their children, provided they meet specific conditions outlined in the statute.<sup>3</sup>

### Notes:

- Opt-out language is not specifically written into the legislation, but it is implied by arrangements parents can make for alternative instruction.

### For More Information:

- Minn. Stat. § 120B.20 (1998).
- Minn. Stat. § 121A.065 (2016).
- Minn. Stat. § 121A.15 (1988).

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<sup>1</sup> Minn. Stat. § 120B.20 (1998).

<sup>2</sup> Minn. Stat. § 121A.065 (2016).

<sup>3</sup> Minn. Stat. § 121A.15 (1988).



## Mississippi

Mississippi statutes state that local school boards must implement “abstinence-only or abstinence plus education into its curriculum.” This education will be implemented at an appropriate age and grade. Students shall be separated by gender when sex-related education is taught.<sup>1</sup> Schools must notify parents at least a week prior to any sex-related education in the classroom. Parents have the right to review the materials that will be used to teach their children. It is unclear whether parents must opt-in or opt-out of sexual education. Miss. Code Ann. § 37-13-173 provides that parents have a right to request that their child be included in sex-related instruction and that parents may request to have their child excused from sex-related education without any detriment to the student.<sup>2</sup> Schools must also develop a program to teach about sexual assault prevention and sexual assault counseling techniques for use by local school districts. No student shall be compelled to participate in any of these programs if their parent or guardian submits a written objection to their participation.<sup>3</sup>

### Notes:

- Abstinence-only education shall include:
  - The benefits of abstinence and the negative effects of not abstaining;
  - The consequences of having a child out of wedlock;
  - How to reject unwanted sexual advances;
  - That abstinence is the only way to avoid having a child out of wedlock and contracting harmful sexually transmitted diseases;
  - Current laws relating to rape, homosexual activity, child support, and more;
  - That faithful monogamous relationships in the context of marriage are the only appropriate setting for sexual intercourse.<sup>4</sup>

### For More Information:

- Miss. Code Ann. § 37-13-171 (2021).
- Miss. Code Ann. § 37-13-173 (2011).
- Miss. Rev. Stat. § 589.020 (1980).

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<sup>1</sup> Miss. Code Ann. § 37-13-171 (2021).

<sup>2</sup> Miss. Code Ann. § 37-13-173 (2011).

<sup>3</sup> Miss. Rev. Stat. § 589.020 (1980).

<sup>4</sup> Miss. Code Ann. § 37-13-171 (2021).





## Missouri

Missouri statutes state parents have the right to excuse their children from any part of a district or school's human sexuality instruction.<sup>1</sup> This is a passive consent process which can also be known as an "opt-out" process, meaning, parents must choose to have their child not participate in the courses.<sup>2</sup> A school district or charter school must notify the parent or legal guardian of each student involved in the course of the basic content of the human sexuality instruction to be provided to the student.<sup>3</sup> A school district or charter school must make all curriculum materials used in the human sexuality instruction available for public inspection.<sup>4</sup>

### Notes:

- Abstinence is the preferred choice of behavior, and it will be taught as such.<sup>5</sup>
- The advantages of adoption, in cases of adolescent pregnancy, are to be taught.<sup>6</sup>
- Schools are to teach students about consent, harassment, and sexual violence.<sup>7</sup>
- Students in a school district or charter school may be separated according to gender for instructional purposes.<sup>8</sup>

### For More Information:

- Mo. Rev. Stat. § 170.015 (2018).

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<sup>1</sup> Mo. Rev. Stat. § 170.015 5. (2) (2018).

<sup>2</sup> Mo. Rev. Stat. § 170.015 5. (2) (2018).

<sup>3</sup> Mo. Rev. Stat. § 170.015 5. (1) (2018).

<sup>4</sup> Mo. Rev. Stat. § 170.015 1. (2018).

<sup>5</sup> Mo. Rev. Stat. § 170.015 1. (1) (2018).

<sup>6</sup> Mo. Rev. Stat. § 170.015 1. (4) (2018).

<sup>7</sup> Mo. Rev. Stat. § 170.015 1. (9) (2018).

<sup>8</sup> Mo. Rev. Stat. § 170.015 3. (2018).



## Montana

Montana statutes state that parents or guardians have the right to excuse their child from a “course of instruction, a class period, an assembly, an organized school function, or instruction provided by the district through its staff or guests invited at the request of the district regarding human sexuality instruction.”<sup>1</sup> This is a passive consent process which can also be known as an “opt-out” process, meaning, parents must choose to have their child not participate in the courses or programs.<sup>2</sup> Any school hosting any of the activities mentioned above must give a parent or guardian notification no less than 48 hours prior to the course or program.<sup>3</sup>

Montana statutes outline procedures for parents to: (1) withdraw their child from instruction or events that conflict with their beliefs, (2) be informed about and withdraw their child from clubs or extracurricular activities, (3) provide written consent before their child uses a name or pronoun that does not align with their legal sex, (4) be notified and provide consent before their child shares sleeping quarters with individuals of the opposite sex on school trips.<sup>4</sup>

### Notes:

- A school district or its personnel or agents cannot allow any individual, entity or affiliate of a provider of abortion services access to its students or personnel.<sup>5</sup>
- The school district must annually notify the parent or guardian of each student to be enrolled in human sexuality instruction, including <sup>6</sup>
  - The basic content of the district’s or school’s human sexuality instruction intended to be taught to the student; and
  - the parent’s or guardian’s right to withdraw the student from the district’s or school’s human sexuality instruction.
- The school district must make all materials available for public inspection prior to instruction.<sup>7</sup>
- Note that Montana has a specific statute protecting parental rights, which may provide additional rights to parents. For more information: Mont. Code Ann. § 40-6-701 (2021).

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1 Mont. Code Ann. 20-7-120 (1) (2021).

2 Mont. Code Ann. 20-7-120 (1) (2021).

3 Mont. Code Ann. 20-7-120 (2) (2021).

4 Mont. Code Ann. 40-6-703 (2023).

5 Mont. Code Ann. 20-7-120 (5) (2021).

6 Mont. Code Ann. 20-7-120 (3) (2021).

7 Mont. Code Ann. 20-7-120 (4) (2021).

**For More Information:**

- Mont. Code Ann. § 10-53-709 (2017).
- Mont. Code Ann. § 20-7-120 (2021).
- Mont. Code Ann. § 40-6-703 (2023).



## Nebraska

Nebraska does not have an opt-in or opt-out process for the health education available.<sup>1</sup> Nebraska does not require sex education.<sup>2</sup> Local school boards control educational decision making and policy.<sup>3</sup> The Nebraska State Board of Education offers Nebraska schools curriculum stances regarding risk behaviors associated with tobacco, alcohol, drugs and sexual activity.<sup>4</sup>

Nebraska statutes mandate that each school district develop a policy detailing parental involvement, which must include: (1) access for parents to review textbooks, tests, digital materials, and other curriculum content. (2) procedures for parents to attend and monitor instructional activities, (3) circumstances under which parents can request their child be excused from specific instruction or activities they find objectionable, (4) policies on student surveys and the rights of parents to remove their children from such surveys.<sup>5</sup>

### Notes:

- Abstinence is the expected standard for all school aged children and it will be taught as the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems.<sup>6</sup>
- Mutually faithful monogamous relationship in the context of marriage is to be the expected standard of instruction, as well as that there are harmful consequences of bearing children out-of-wedlock.<sup>7</sup>

### For More Information:

- Neb. Rev. Stat. § 79-712 (2013).
- Neb. Rev. Stat. § 79-532 (2024).

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1 Neb. Rev. Stat. § 79-712 (2013).

2 Neb. Rev. Stat. § 79-712 (2013).

3 Neb. Rev. Stat. § 79-712 (2013).

4 Neb. Rev. Stat. § 79-712 (2013).

5 Neb. Rev. Stat. § 79-532 (2024).

6 Neb. Rev. Stat. § 79-712 (2013).

7 Neb. Rev. Stat. § 79-712 (2013).



## Nevada

Nevada statutes state that parents have the right to have their children opt-in to instruction on acquired immune deficiency syndrome and the human reproductive system, related communicable diseases, and sexual responsibility.<sup>1</sup> This is an active consent process which can also be known as an “opt-in” process, meaning, parents must choose to have their child participate in the instruction.<sup>2</sup> A parent or guardian must be furnished with written notice prior to the course beginning and if the parent does not opt their child in they will be excused from the material and cannot be punished as to their credits or academic standing.<sup>3</sup> All instruction materials used in a course must be available to parents for inspection at reasonable times and locations prior to the course being taught.<sup>4</sup>

Before conducting health examinations on students, schools are required to notify parents or guardians. The notice must inform them of their right to exempt their child from all or part of the examinations. A child must be exempted if the parent or guardian submits a written statement objecting to the examination.<sup>5</sup>

### Notes:

- The board of trustees will appoint an advisory committee to discuss and advise the content to be used in these courses of instruction and the recommended ages for the material.<sup>6</sup>
- Note that Nevada has a specific statute protecting parental rights, which may provide additional rights to parents. For more information, please see Nevada Rev. Stat. Ann. § 126.036.1 (2013).

### For More Information:

- Nev. Rev. Stat. § 389.036 (2017).
- Nev. Rev. Stat. § 392.420 (2019).

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1 Nev. Rev. Stat. § 389.036 4. (2017).

2 Nev. Rev. Stat. § 389.036 4. (2017).

3 Nev. Rev. Stat. § 389.036 4. (2017).

4 Nev. Rev. Stat. § 389.036 5. (2017).

5 Nev. Rev. Stat. § 392.420 (2019).

6 Nev. Rev. Stat. § 389.036 2. (2017).





## New Hampshire

New Hampshire statute states that parents have the right to excuse their children from particular units of health or sex education instruction based on religious objections.<sup>1</sup> This is a passive consent process which can also be known as an “opt-out” process, meaning, parents must choose to have their child not participate in the courses.<sup>2</sup> A parent may opt out either for religious reasons or because they find the specific course material objectionable.<sup>3 4</sup>

New Hampshire statutes allows for medical and religious exemptions from required school and child care immunizations. A medical exemption requires certification from a licensed physician, while a religious exemption requires a signed statement from the parent or guardian.<sup>5</sup>

### Notes:

- The name of the parent or legal guardian and the reasons for opting their child out shall not be made public.<sup>6</sup>

### For More Information:

- N.H. Rev. Stat. § 186:11 (2016).
- NH Rev Stat § 141-C:20-c (2024).

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1 N.H. Rev. Stat. § 186:11 IX-b (2016).

2 N.H. Rev. Stat. § 186:11 IX-b (2016).

3 N.H. Rev. Stat. § 186:11 IX-b (2016).

4 N.H. Rev. Stat. § 186:11 IX-c (2016).

5 N.H. Rev. Stat. § 186:11 IX-c (2016).

6 NH Rev Stat § 141-C:20-c (2024).





## New Jersey

New Jersey statutes state that a parent may excuse their child from any part of the instruction in health, family life education, or sex education (opt-out) with no penalty to the student.<sup>1</sup> A school may administer anonymous, voluntary surveys, assessments, analyses, or evaluations to students regarding information concerning multiple issues,<sup>2</sup> however, the school must first send written notification to a parent or legal guardian of the students. This written notice must be delivered to the parent or legal guardian by regular mail, e-mail, or must be a written acknowledgement form delivered by the student at least 2 weeks prior to the survey, assessment, analysis, or evaluation. Parents must respond to this written notice in order to opt-out of the survey, assessment, analysis, or evaluation. Failure to do so indicates approval of participation.<sup>3</sup>

### Notes:

- Written notification must contain the following:
  - A description of the survey, assessment, analysis, or evaluation;
  - The purpose for which the survey, assessment, analysis, or evaluation is needed;
  - The entities and persons that will have access to the information generated by the survey, assessment, analysis, or evaluation;
  - Specific instruction as to when and where the survey, assessment, analysis, or evaluation will be available for parental or legal guardian review prior to its administration;
  - The method by which the parent or legal guardian can deny permission to administer the survey, assessment, analysis, or evaluation to the student; a form specifically providing for such denial shall be included with this notice;
  - The names and contact information of persons to whom questions can be directed; and
  - A statement advising that failure to respond indicates approval of participation in the survey, assessment, analysis, or evaluation.

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<sup>1</sup> N.J. Stat. § 18A:35-4.7 (2022).

<sup>2</sup> Issues include use of alcohol, tobacco, drugs, and vaping; sexual behavior and attitudes; behaviors that may contribute to intentional or unintentional injuries or violence; or physical activity and nutrition-related behaviors.

<sup>3</sup> N.J. § 18A:36-34.1 (2021).

**Case Law:**

The Family Life Committee recommended to the N.J. Senate a regulation that each local school district implement a Family Life Education program. The appellants claimed that the program impinges on the free exercise of their religion and establishes a religion contrary to the US Constitution. The court held, since parents have the ability to remove their children from any part of the program they have an issue with, there is no compulsion to participate in the program. Therefore, “there can be no infringement upon appellants’ rights freely to exercise their religion.” See *Smith v. Ricci*, 89 N.J. 514 (1982).

**For More Information:**

- N.J. Stat. § 18A:35-4.7 (2022).
- N.J. § 18A:36-34.1 (2021).
- <https://lis.njleg.state.nj.us/nxt/gateway.dll?f=templates&fn=default.htm&vid=Publish%3A10.1048/Enu>
- See also: *Smith v. Ricci*, 89 N.J. 514 (1982).





## New Mexico

New Mexico statutes state that parents have the right to excuse their children from parts of the health education curriculum that address sexuality performance standards.<sup>1</sup> This is a passive consent process which can also be known as an “opt-out” process, meaning, parents must choose to have their child not participate in the course.

**For More Information:**

- N.M. Stat. Ann. § 22-2C-3 (1978).
- N.M. Admin. Code 6.29.6.3 (2009).
- N.M. public schools must adopt state content standards for Health Education. The content standards can be found here: <https://webnew.ped.state.nm.us/wp-content/uploads/2018/01/Health-Education-Standards-9-12.pdf>

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<sup>1</sup> N.M. Stat. Ann. § 22-2C-3 (1978). N.M. Admin. Code 6.29.6.3 (2009).





## New York

New York statutes state that parents or guardians have the right to excuse their children's study of health and hygiene when it conflicts with the religion of the parents or guardians.<sup>1</sup> This is a passive consent process which can also be known as an "opt-out" process, meaning, parents must choose to have their child not participate in the course. The conflict between the parents' religion and the teaching must be certified by a proper representative of their religion as defined by section two of the religious corporation's law.<sup>2</sup> New York state law does not require that public schools teach sex education, however HIV/AIDS is a mandatory part of the curriculum. School districts are free to design their own curriculum regarding sex education, but are given a framework from the state board of education.

New York statutes require all children attending school in the state to be immunized against certain diseases. There are limited medical exemptions. Homeschool students are exempted from this requirement.<sup>3</sup>

### **For More Information:**

N.Y. CLS Educ. § 3204(5) (2022).

N.Y.S. Public Health Law Section 2164 (2021).

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1 N.Y. CLS Educ. § 3204(5) (2022).

2 N.Y. CLS Educ. § 3204(5) (2022).

3 N.Y.S. Public Health Law Section 2164 (2021).



## North Carolina

North Carolina statutes state that students from kindergarten through ninth grade shall have a comprehensive health education. Parents and legal guardians are allowed to review all the materials approved by the state that pertain to or are intended to teach their children about the prevention of sexually transmitted diseases, including HIV/AIDS, how to avoid out-of-wedlock pregnancy, or any information about the reproductive health and safety education curriculum.<sup>1</sup>

### Notes:

- State Board of Education must make all the materials available to the local school administrative unites for parental review.
- The review period must begin at least 60 days before the materials will be used.
- The program shall include age-appropriate instruction on preventing sexually transmitted diseases, and reproductive health and safety education.
- Starting in seventh grade, each local school shall provide a reproductive health and safety education program using age-appropriate materials. Parents may choose to withdraw their child (opt-out) from some of the education provided, however, students must participate in education related to: abstinence; ways to deal with peer pressure related to sexual activity; faithful, monogamous, heterosexual relationships as the best means of avoidance; accurate biological and pathological information related to the human reproductive system; and preventable risks for preterm birth in subsequent pregnancies, including induced abortion, smoking, alcohol consumption, the use of illegal drugs, and inadequate prenatal care.<sup>2</sup>
- Reproductive health and safety instruction provided by the local school administrative units shall do the following:
  - Teach about sexually transmitted diseases.
  - Teach about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy.
  - Teach awareness of sexual assault, sexual abuse, and risk reduction.
  - Teach about sex trafficking prevention and awareness.
- Each individual school board shall develop their own opt-out policy.

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<sup>1</sup> N.C. Gen. Stat. § 115C-81.25 (2022).

<sup>2</sup> N.C. Gen. Stat § 115C-81.30 (2022).

- Students may receive information about where to obtain contraceptives and abortion referral services only in accordance with a local board's policy regarding parental consent.

**For More Information:**

- N.C. Gen. Stat. § 115C-81.25 (2022). Health Education.
- N.C. Gen. Stat § 115C-81.30 (2022). Reproductive health and safety education provided by the local school administrative units.

## North Dakota

North Dakota statutes state that parents have the right to remove their child from state administered tests or assessments.<sup>1</sup> This is a passive consent process which can also be known as an “opt-out” process, meaning, parents must choose to have their child not participate in the tests or assessments.<sup>2</sup> A parent may submit a parental directive form that is standardized and prepared by the superintendent of public instruction, which must be signed by the student’s custodial parent.<sup>3</sup> The parental directive is only valid until the conclusion of the school year in which the school district received the parental directive.<sup>4</sup> The school district must post the parental directive form on its website and make the form available to a parent upon request.<sup>5</sup> North Dakota must teach sex education and the content standards as provided by the North Dakota Department of Public Instruction.<sup>6</sup> There is no opt-in or opt-out process in North Dakota for this type of education at this moment.

### Notes:

- The standards on sex education run through grades K-12 and have content possibilities that include sexual abuse, sexual behaviors/protection, and sex trafficking.<sup>7 8 9</sup>
- North Dakota also allows for student participation in religious speech while at school.<sup>10</sup>
- A school board may, by resolution, allow a classroom teacher to impose up to one minute of silence for meditation, reflection, or prayer at the beginning of each school day.<sup>11</sup>
- Note that North Dakota has a specific statute protecting parental rights, which may provide additional rights to parents. For more information please see N.D. Cent. Code § 14-09-

1 N.D. Cent. Code § 15.1-21-08.1 (2) (2021).

2 N.D. Cent. Code § 15.1-21-08.1 (2) (2021).

3 N.D. Cent. Code § 15.1-21-08.1 (3) (2021).

4 N.D. Cent. Code § 15.1-21-08.1 (3) (2021).

5 N.D. Cent. Code § 15.1-21-08.1 (5) (2021).

6 N.D. Cent. Code § 15.1-21-24 (2012).

7 N.D. Cent. Code § 15.1-21-24 (2012).

8 The content standards also provide a glossary of definitions that contain the following: Sexuality: person’s capacity for sexual feelings, a person’s sexual orientation or preference, sexual activity. Sexual Behaviors: person’s sexual practices – referring to a person’s sexual relationships and level of sexual activity.

9 North Dakota also includes this document on their health standards for 2018: <https://www.nd.gov/dpi/sites/www/files/documents/Safe%20%26%20Healthy/HealthStandardsFinal2018.pdf>

10 N.D. Cent. Code § 15.1-19-03.1 (2) (2017).

11 N.D. Cent. Code § 15.1-19-03.1 (4) (2017).

**For More Information:**

- N.D. Cent. Code § 15.1-21-08.1 (2021).
- N.D. Cent. Code § 15.1-21-24 (2012).
- N.D. Cent. Code § 15.1-19-03.1 (2017).
- N.D. Cent. Code § 14-09-32.1 (2023).





## Ohio

Ohio statutes state that parents or guardians have the right to include their children in venereal disease education, suicide awareness and prevention, safety training and violence prevention, evidence-based social inclusion instruction, and/or sexual education.<sup>1 2 3 4</sup> This is an active consent process which can also be known as an “opt-in” process, meaning, parents must choose to have their child participate in the instruction.<sup>5</sup>

### Notes:

- A parent or guardian may examine any survey, questionnaire, textbook, workbook, or other instructional material used by the child.<sup>6</sup>

### For More Information:

- Ohio Rev. Code Ann. § 3313.60(A)(5)(a-e)(h-i) (2021).
- Ohio Rev. Code Ann. § 3313.6011 (2021).
- Ohio Rev. Code Ann. § 3313.60(G)(1-4) (2021).

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1 Ohio Rev. Code Ann. § 3313.60(A)(5)(c) (2021).  
2 Ohio Rev. Code Ann. § 3313.60(A)(5)(h) (2021).  
3 Ohio Rev. Code Ann. § 3313.60(A)(5)(i) (2021).  
4 Ohio Rev. Code Ann. § 3313.6011 (C)(2) (2021).  
5 Ohio Rev. Code Ann. § 3313.6011 (C)(2) (2021).  
6 Ohio Rev. Code Ann. § 3313.60(G)(1-4) (2021).



## Oklahoma

Oklahoma statutes state that parents or guardians have the right to excuse their children from AIDS prevention education and sex education classes.<sup>1 2</sup> This is a passive consent process which can also be known as an “opt-out” process, meaning, parents must choose to have their child not participate in the courses. Sex education classes are not required by Oklahoma law.<sup>3</sup> A parent or guardian must submit their objection to their child’s participation in writing.<sup>4</sup>

### Notes:

- AIDS curriculum shall be approved for medical accuracy by the State Department of Health.<sup>5</sup>
- Students shall receive AIDS prevention education:
  - 1. at the option of the local school district, a minimum of once during the period from grade five through grade six;
  - 2. a minimum of once during the period from grade seven through grade nine; and
  - 3. a minimum of once during the period from grade ten through grade twelve.<sup>6</sup>
- At least one month prior to teaching AIDS prevention education, the curriculum shall be made available for inspection by parents or guardians. School districts shall conduct for parents and guardians during weekend and evening hours at least one presentation concerning the curriculum and materials that will be used for educational purposes.<sup>7</sup>
- AIDS prevention education will specifically teach students that: engaging in homosexual activity, promiscuous sexual activity, intravenous drug use, or contact with contaminated blood products are now known to be primarily responsible for contact with the AIDS virus.<sup>8</sup>
- AIDS prevention education shall also teach that abstinence is the only certain means for the prevention of the spread or contraction of AIDS through sexual contact.<sup>9</sup>

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1 Okla. Stat. Tit. 70 § 11-103.3 (C) (1987).  
2 Okla. Stat. Tit. 70 § 11-105.1 (1)(A) (2019).  
3 Okla. Stat. Tit. 70 § 11-105.1 (1)(A) (2019).  
4 Okla. Stat. Tit. 70 § 11-103.3 (C) (1987).  
5 Okla. Stat. Tit. 70 § 11-105.1 (1)(A) (2019).  
6 Okla. Stat. Tit. 70 § 11-103.3 (C) (1987).  
7 Okla. Stat. Tit. 70 § 11-103.3 (A) (1987).  
8 Okla. Stat. Tit. 70 § 11-103.3 (C) (1987).  
9 Okla. Stat. Tit. 70 § 11-103.3 (E) (1987).

- A student may be required to enroll in a course on sex education, unless their parents object in writing to their participation, in which case they are excused.<sup>10</sup>
- Sex education will have the content approved by the superintendent or a designee for approval prior to use in the classroom or school.<sup>11</sup>
- Note that Oklahoma has a specific statute protecting parental rights, which may provide additional rights to parents. For more information, please see Okla. Stat. tit. 25, § 2001—2005 (2014).

**For More Information:**

- Okla. Stat. Tit. 70 § 11-103.3 (1987).
- Okla. Stat. Tit. 70 § 11-105.1 (2019).
- Oklahoma Academic Standards Health: <https://sde.ok.gov/sites/ok.gov.sde/files/documents/files/Health%20Standards%20-%20for%20Legislature.pdf>

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10 Okla. Stat. Tit. 70 § 11-105.1 (1)(A) (2019).

11 Okla. Stat. Tit. 70 § 11-105.1 (1)(A) (2019).

## Oregon

Oregon statutes state that parents or guardians have the right to excuse their children from instruction on human sexuality or human immunodeficiency virus.<sup>1</sup> This is a passive consent process which can also be known as an “opt-out” process, meaning, parents must choose to have their child not participate in the courses.<sup>2</sup> A parent or guardian must submit a written objection to the school district to have their child opted out.<sup>3</sup> Parents, guardians, and district residents must be given an opportunity to examine instructional materials to be used in any class, course, assembly, or school-sponsored activity.<sup>4</sup>

### Notes:

- Any course in public elementary and secondary school whose main purpose is to teach human sexuality education or sexually transmitted infections must emphasize that abstinence from sexual contact is the only 100 percent effective method against unintended pregnancy, sexually transmitted infections, and human immunodeficiency virus, when transmitted sexually.<sup>5</sup>
- While abstinence is to be promoted, it cannot be taught to the exclusion of other material or instruction on contraceptive and infection reduction measures.<sup>6</sup>
- School districts will provide age-appropriate human sexuality education courses in all public elementary and secondary schools.<sup>7</sup>
- Note that Oregon has a specific statute protecting parental rights, which may provide additional rights to parents. For more information, please see OR. Rev. Stat. § 419B.090(4).

### For More Information:

- Or. Rev. Stat. § 336.035(2) (2005).
- Or. Rev. Stat. S 336.455 (2019).
- Or. Rev. Stat. § 336.465 (2019).

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1 Or. Rev. Stat. § 336.465 (2019).  
2 Or. Rev. Stat. § 336.465 (2019).  
3 Or. Rev. Stat. § 336.465 (2019).  
4 Or. Rev. Stat. § 336.465 (2019).  
5 Or. Rev. Stat. S 336.455 (2019).  
6 Or. Rev. Stat. S 336.455 (2019).  
7 Or. Rev. Stat. S 336.455 (2019).





## Pennsylvania

Pennsylvania statutes state that parents have the right to excuse their children from HIV/AIDS curriculum as well as dating violence education.<sup>1 2</sup> This is a passive consent process which can also be known as an “opt-out” process, meaning, parents must choose to have their child not participate in the courses. A parent or guardian must submit the request for a student to be excused in writing.<sup>3</sup> The school must publish, prior to commencement of the course, detailed curriculum outlines and information on curriculum materials to be used.<sup>4 5</sup>

### Notes:

- HIV/AIDS instruction shall be given for primary, intermediate, middle school, and high school education.<sup>6</sup>
- The education materials are determined by the district, and must be appropriate to the age group being taught. The district may omit instruction in the elementary grade on transmission of disease through sexual activity.<sup>7</sup>
- The dating violence policy must have consultation with at least one domestic violence center and one rape crisis center.<sup>8</sup>
- The dating violence policy must be given to parents and guardians. Additionally, the handbook must be published at school and posted on the internet.<sup>9</sup>
- Dating violence education may be included in grades nine through twelve. At least one domestic violence program or rape crisis program that serves the region where the school district is located must be consulted.<sup>10</sup>

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1 Pa. Cons. Stat. 22 § 4.29 (c) (2008).

2 Pa. Cons. Stat. 24 § 15-1553 (5) (2011).

3 Pa. Cons. Stat. 22 § 4.29 (c) (2008).

4 Pa. Cons. Stat. 22 § 4.29 (c) (2008).

5 Pa. Cons. Stat. 24 § 15-1553 (5) (2011).

6 Pa. Cons. Stat. 22 § 4.29 (a) (2008).

7 Pa. Cons. Stat. 22 § 4.29 (b) (2008).

8 Pa. Cons. Stat. 24 § 15-1553 (2) (2011).

9 Pa. Cons. Stat. 24 § 15-1553 (3) (2011).

10 Pa. Cons. Stat. 24 § 15-1553 (d)(1) (2011).

- Dating violence education providers must also consult with at least one (1) domestic violence center and at least one (1) rape crisis center, which shall provide school districts with grade-appropriate educational materials regarding dating violence and healthy relationships.<sup>11 12</sup>

For More Information:

- Pa. Cons. Stat. 22 § 4.29 (2008).
- Pa. Cons. Stat. 24 § 15-1553 (2011).

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<sup>11</sup> Pa. Cons. Stat. 24 § 15-1553 (d)(3) (2011).

<sup>12</sup> Pa. Cons. Stat. 24 § 15-1553 (f) (2011). “Dating partner.” A person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious or long term. “Dating violence.” Behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person’s dating partner.





## Rhode Island

Rhode Island statutes state that parents have the right to excuse their children from family life or sex education course instruction.<sup>1</sup> This is a passive consent process which can also be known as an “opt-out” process, meaning, parents must choose to have their child not participate in the courses.<sup>2</sup> A parent may submit a written request to view the curriculum, and within a reasonable period of time, this must be granted.<sup>3</sup> The child exempted may not be penalized academically by reason of the exemption.<sup>4</sup>

### Notes:

- Rhode Island must have comprehensive AIDS instruction where students will be provided accurate information and instruction on AIDS transmission and prevention, as well as promoting abstinence from sexual activity as the preferred means of prevention.<sup>5</sup>

### For More Information:

- R.I. Gen. Laws § 16-22-18 (2018).
- R.I. Gen. Laws § 16-22-17 (1996).

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<sup>1</sup> R.I. Gen. Laws § 16-22-18 (c) (2018).

<sup>2</sup> R.I. Gen. Laws § 16-22-18 (c) (2018).

<sup>3</sup> R.I. Gen. Laws § 16-22-18 (b) (2018).

<sup>4</sup> R.I. Gen. Laws § 16-22-17 (c) (1996)

<sup>5</sup> R.I. Gen. Laws § 16-22-17 (a) (1996)



## South Carolina

South Carolina statutes state that a parent or legal guardian may have the right to excuse their child from participation in a health education program.<sup>1</sup> This is a passive consent process which can also be known as an “opt-out” process, meaning, parents must choose to have their child not participate in the curriculum.<sup>2</sup> A student may be exempted from participation in any or all units on reproductive health, family life, and pregnancy prevention.<sup>3</sup> <sup>4</sup> Notice provided to parents or legal guardians must be sufficiently in advance of the student's enrollment in the course, and the parents or legal guardian must have the opportunity to preview the materials to be taught.<sup>5</sup>

### Notes:

- Students exempted from the program by their parents or guardians may not be penalized as a result of the exemption, and there must be procedures within the school district to prevent embarrassment on behalf of the student.<sup>6</sup>

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<sup>1</sup> S.C. Code § 59-32-50 (2013).

<sup>2</sup> S.C. Code § 59-32-50 (2013).

<sup>3</sup> S.C. Code § 59-32-50 (2013).

<sup>4</sup> S.C. Code § 59-32-10 (2) (1988). “Reproductive health education” means instruction in human physiology, conception, prenatal care and development, childbirth, and postnatal care, but does not include instruction concerning sexual practices outside marriage or practices unrelated to reproduction except within the context of the risk of disease. Abstinence and the risks associated with sexual activity outside of marriage must be strongly emphasized. (3) “Family life education” means instruction intended to: (a) develop an understanding of the physical, mental, emotional, social, economic, and psychological aspects of close personal relationships and an understanding of the physiological, psychological, and cultural foundations of human development; (b) provide instruction that will support the development of responsible personal values and behavior and aid in establishing a strong family life for themselves in the future and emphasize the responsibilities of marriage. (c) provide instruction as to the laws of this State relating to the sexual conduct of minors, including criminal sexual conduct. (4) “Pregnancy prevention education” means instruction intended to: (a) stress the importance of abstaining from sexual activity until marriage; (b) help students develop skills to enable them to resist peer pressure and abstain from sexual activity; (c) explain methods of contraception and the risks and benefits of each method. Abortion must not be included as a method of birth control. Instruction explaining the methods of contraception must not be included in any education program for grades kindergarten through fifth. Contraceptive information must be given in the context of future family planning.

<sup>5</sup> S.C. Code § 59-32-50 (2013).

<sup>6</sup> S.C. Code § 59-32-50 (2013).

- Abortion cannot be included as a method of birth control. Contraception cannot be instructed about prior to the sixth grade.<sup>7</sup>
- S.C. Code Ann. § 63-7-10(A)(1): “Parents have the primary responsibility for and are the primary resource for their children.”

**For More Information:**

- S.C. Code § 59-32-10 (1988).
- S.C. Code § 59-32-50 (2013).

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7 S.C. Code § 59-32-10 (c) (1988).



## South Dakota

South Dakota statutes state that sex education is not mandatory in the state, but schools must conform with the standard adopted by the state's Board of Education. The standards do not currently address sex education, and there are currently no opt-in or opt-out laws for such curriculum.

### **Notes:**

- Character development instruction is given in all public and nonpublic elementary and secondary schools in the state, which includes the teaching of sexual abstinence.<sup>1</sup>

### **For More Information:**

- S.D. Codified Laws § 13-33-1 (2017).
- S.D. Codified Laws § 13-33-6.1 (1997).

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<sup>1</sup> S.D. Codified Laws § 13-33-6.1 (1997).



## Tennessee

Tennessee statutes state that parents and guardians have the right to excuse their children from the family life curriculum.<sup>1</sup> This is a passive consent process which can also be known as an “opt-out” process, meaning, parents must choose to have their child not participate in the curriculum.<sup>2</sup> Parents are to be notified no less than thirty days prior to the commencement of instruction on the family life curriculum.<sup>3</sup> A parent or guardian who wishes to excuse their student from any portion of family life shall submit a request, in writing, to the student’s instructor, school counselor, or principal.<sup>4</sup> A parent or guardian who wishes to excuse a student from all portions of family life shall submit a request in writing to the student’s principal.<sup>5</sup> The curriculum must provide factually and medically-accurate information.<sup>6</sup>

### Notes:

- Beginning in the 1991-1992 school year, if the most recent annual date indicates that pregnancy rates in any county exceeded nineteen and five tenths (19.5) pregnancies per one thousand (1,000) females fifteen (15) through seventeen (17) years of age, then every LEA within the county must adopt a program of family life education in conformance with the curriculum guidelines.<sup>7</sup>
- Prior to the adoption of the curriculum, the LEA or state board of education shall conduct at least one public hearing, which will explain the content to the public, and the public may respond. The LEA must hold at least one meeting every September on the subject.<sup>8</sup>
- The family life curriculum will emphatically promote abstinence.<sup>9</sup>
- Instruction of the family life curriculum shall not:
  - Promote, implicitly or explicitly, any gateway sexual activity or health message that encourages students to experiment with noncoital sexual activity;
  - Provide or distribute materials on school grounds that condone, encourage, or promote student sexual activity among unmarried students;

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1 Tenn. Code Ann. § 49-6-1305 (b) (2012).

2 Tenn. Code Ann. § 49-6-1305 (b) (2012).

3 Tenn. Code Ann. § 49-6-1305 (a) (2012).

4 Tenn. Code Ann. § 49-6-1305 (b) (2012).

5 Tenn. Code Ann. § 49-6-1305 (b) (2012).

6 Tenn. Code Ann. § 49-6-1304 (4)(2021).

7 Tenn. Code Ann. § 49-6-1305 (a)(1) (2012).

8 Tenn. Code Ann. § 49-6-1305 (c)(1) (2012).

9 Tenn. Code Ann. § 49-6-1304 (2021). This section of the code goes into greater detail about subjects that are allowed to be taught.

- Display or conduct demonstrations with devices specifically manufactured for sexual stimulation; or
- Distribute contraception on school property; provided, however, medically accurate information about contraception and condoms that is consistent with public policy may be provided, so long as the information is:
  - Presented in a manner consistent with this part and that clearly informs students that while such methods may reduce the risk of acquiring sexually transmitted diseases or becoming pregnant, only abstinence removes all risk;
  - Reviewed and approved by the local board of education or charter school governing body, prior to the information being used by the LEA or public charter school in a family life curriculum, to ensure that it is:
    - Medically accurate;
    - Age appropriate;
    - In compliance with this part; and
    - Aligned to academic standards in this state; and
  - Provided, upon request, to a parent of a student attending a school in the LEA or charter school, to allow the parent to review the information and to opt the parent's student out of receiving the information as part of a family life curriculum, without penalty.

**For More Information:**

- Tenn. Code Ann. § 49-6-1302 (2012).
- Tenn. Code Ann. § 49-6-1304 (2021).
- Tenn. Code Ann. § 49-6-1305 (2012).





## Texas

Texas statutes state that parents have the right to excuse their children temporarily from classes or other school activities that conflict with the parent's religious or moral beliefs.<sup>1</sup> This is a passive consent process which can also be known as an "opt-out" process, meaning, parents must choose to have their child not participate in the classes or activities.<sup>2</sup> A parent may remove their child by presenting or delivering to the teacher of the parent's child a written statement authorizing the removal of the child from the class or other school activity.<sup>3</sup> The child may not be exempted in order to avoid a test or to prevent the child from taking a subject for an entire semester.<sup>4</sup>

Texas statutes require that schools provide parents with an opportunity to review curriculum materials related to sex education. Parents are entitled to opt their children out of any instruction related to human sexuality and HIV education.<sup>5</sup>

Texas statutes specifically allow parents to opt out of human sexuality education and HIV education classes, so that their child does not participate in these lessons. Schools must inform parents about these opportunities prior to such instruction taking place.<sup>6</sup>

Parents may opt their students out of mental health screenings that are offered as part of the school's health program. Schools are required to notify parents and provide them with the opportunity to opt-out before any mental health services are provided to their children.<sup>7</sup>

### Notes:

- Written consent from a child's parents must be obtained in order for a child to participate in a psychological examination, test, or treatment, unless the examination, test, or treatment is required under Section 38.004 or state or federal law regarding requirements for special education. Written consent also must be obtained in order to make or authorize the making of a videotape of a child, or a recording of a child's voice.<sup>8 9</sup>

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1 Tex. Education Code Ann. §§ 26.009-10 (a) (1995).

2 Tex. Education Code Ann. §§ 26.009-10 (a) (1995).

3 Tex. Education Code Ann. §§ 26.009-10 (a) (1995).

4 Tex. Education Code Ann. §§ 26.009-10 (a) (1995).

5 Tex. Education Code Ann. §§ 26.004 (1995).

6 Tex. Education Code Ann. §§ 26.010 (1995).

7 Tex. Education Code Ann. §§ 26.009 (1995).

8 Tex. Education Code Ann. §§ 26.009-10 (1) (1995).

9 Tex. Education Code Ann. §§ 26.009-10 (1995). Exceptions include: (b) An employee of a school district is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for: (1) purposes of safety, including the maintaining of order and

- Note that Texas has a specific statute protecting parental rights, which may provide additional rights to parents. For more information, please see Texas Family Code § 151.003 (1999).

**For More Information:**

- Tex. Education Code Ann. §§ 26.009-10 (1995).
- Tex. Education Code Ann. §§ 26.004 (1995).

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discipline in common areas of the school or on school buses; (2) a purpose related to a cocurricular or extracurricular activity; (3) a purpose related to regular classroom instruction; (4) media coverage of the school; or (5) a purpose related to the promotion of student safety under Section 29.022.

## Utah

Utah statutes state that parents have the right to opt their children into sex education instruction.<sup>1 2</sup> This is an active consent process which can also be known as an “opt-in” process meaning, parents must choose to have their child participate in the courses or programs.<sup>3</sup> The school must receive prior written consent from a student’s parent before the school may provide sex education instruction to the student.<sup>4</sup>

Utah requires children to receive certain immunizations to attend school, but parents can opt-out of vaccination requirements based on medical, religious, or personal reasons.<sup>5</sup>

A school or LEA may not prohibit a parent of a child from accessing the child's education record. A school or LEA may not make changes to a student's education record regarding a student's gender identity that does not conform with the student's sex, without written parental consent.<sup>6</sup>

### Notes:

- If the student is not opted-in to the curriculum, a school shall:
  - waive the requirement for the student to participate in the sex education instruction; or
  - provide the student with a reasonable alternative to the sex education instruction requirement.<sup>7</sup>
- A parent takes responsibility for the child’s sex education instruction if they are not opted-in to the curriculum, if a school:
  - waives the student’s sex education instruction requirement in Subsection (3)(a); or

<sup>1</sup> Utah Code Ann. § 53G-10-403 (2) (2019).

<sup>2</sup> Utah Code Ann. § 53G-10-403 (1) (2019). “Sex education instruction” means any course material, unit, class, lesson, activity, or presentation that, as the focus of the discussion, provides instruction or information to a student about: (A) sexual abstinence; (B) human sexuality; (C) human reproduction; (D) reproductive anatomy; (E) physiology; (F) pregnancy; (G) marriage; (H) childbirth; (I) parenthood; (J) contraception; (K) HIV/AIDS; (L) sexually transmitted diseases; or (M) refusal skills, as defined in Section 53G-10-402. (ii) “Sex education instruction” does not include child sexual abuse prevention instruction described in Section 53G-9-207.

<sup>3</sup> Utah Code Ann. § 53G-10-403 (2) (2019).

<sup>4</sup> Utah Code Ann. § 53G-10-403 (2) (2019).

<sup>5</sup> Utah Code Ann. § 53G-9-303 (2025).

<sup>6</sup> Utah Code Ann. § 53E-9-205 (2023).

<sup>7</sup> Utah Code Ann. § 53G-10-403 (3) (2019).

- provides the student with a reasonable alternative to the sex education instruction requirement described in Subsection (3)(b).<sup>8</sup>
- A student's academic or citizenship performance may not be penalized if they have not been opted-in to the sex education instruction.<sup>9</sup>
- Note that Utah has specific statutes protecting parental rights, which may provide additional rights to parents. For more information, please see Utah Code Ann. § 80-2a-201 (2000) and Utah Code Ann. § 30-5a-103 (2008).

**For More Information:**

- Utah Code Ann. § 53G-10-403 (2019).
- Utah Code Ann. § 53G-9-303 (2025).
- Utah also provides this resource online as a first link on Google: <https://schools.utah.gov/file/3af82a49-b48a-4a55-a8e8-4ded372b73b2#:~:text=Utah's%20sex%20education%20instruction%20is,for%20preventing%20certain%20communicable%20diseases.>
- Utah Code Ann. § 53E-9-205 (2023).

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8 Utah Code Ann. § 53G-10-403 (4) (2019).

9 Utah Code Ann. § 53G-10-403 (5) (2019).

## Vermont

Vermont statutes state that parents have the right to excuse their children from the teaching of disease, its symptoms, development, and treatment, if such teaching conflicts with the parents' religious convictions.<sup>1</sup> This is a passive consent process which can also be known as an “opt-out” process, meaning, parents must choose to have their child not participate in the courses or programs.

Vermont statutes require children to receive certain immunizations to attend school, but there are provisions for opting out. Parents can opt out of vaccination requirements by submitting a written statement that vaccination violates their religious beliefs. Parents may also seek exemptions if their child has a medical condition that contraindicates vaccination.<sup>2</sup>

### Notes:

- Parents are not by statute given forewarning of the curriculum to be taught.
- Vermont has a “comprehensive health education” which means there is an elementary and secondary educational program designed to provide learning experiences based upon knowledge of the human organism and its function within its environment.<sup>3</sup>

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<sup>1</sup> Vt. Stat. Ann. Tit. 16, § 134 (1987).

<sup>2</sup> Vt. Stat. Ann. Tit. 18, § 1122 (2024).

<sup>3</sup> Vt. Stat. Ann. Tit. 16, §131 (2020). The term includes the study of: (1) Body structure and function, including the physical, psychosocial, and psychological basis of human development, sexuality, and reproduction. (2) Community health to include environmental health, pollution, public health, and world health. (3) Safety, including: (A) first aid, disaster prevention, and accident prevention; and (B) information regarding and practice of compression-only cardiopulmonary resuscitation and the use of automated external defibrillators. (4) Disease, such as HIV infection, other sexually transmitted diseases, as well as other communicable diseases, and the prevention of disease. (5) Family health and mental health, including instruction that promotes the development of responsible personal behavior involving decision making about sexual activity, including abstinence; skills that strengthen existing family ties involving communication, cooperation, and interaction between parents and students; and instruction to aid in the establishment of strong family life in the future, thereby contributing to the enrichment of the community; and that promotes an understanding of depression and the signs of suicide risk in a family member or fellow student that includes how to respond appropriately and seek help and provides an awareness of the available school and community resources such as the local suicide crisis hotline. (6) Personal health habits, including dental health. (7) Consumer health, including health careers, health costs, and utilizing health services.

**For More Information:**

- Vt. Stat. Ann. Tit. 16, §131 (2020).
- Vt. Stat. Ann. Tit. 16, § 135 (1987).

## Virginia

Virginia statutes state that all parents with a child enrolled in the public school system within Virginia have the right to review the complete family life curriculum during school office hours before and during the school year.<sup>1</sup> Parents also have the right to exclude their child from all or part of family life education instruction. Parents have the right to review any materials that contain graphic sexual or violent content used in any anti-bullying or suicide prevention program, and parents have the right to excuse (opt-out) their child from participating in the parts of these programs that use this material.<sup>2</sup> Parents may also review any sexually explicit material, and local districts must provide alternative, nonexplicit instructional material and related academic activities at the parents' request.<sup>3</sup>

### Notes:

- Part of the Code uses the word “graphic” sexual content. This falls within the meaning outlined in Va. Code § 2.2-2827: “[s]exually explicit content” means (i) any description of or (ii) any picture, photograph, drawing, motion picture film, digital image, or similar visual representation depicting sexual bestiality, a lewd exhibition of nudity, as nudity is defined in § 18.2-390, sexual excitement, sexual conduct or sadomasochistic abuse, as also defined in § 18.2-390, coprophilia, urophilia, or fetishism.<sup>4</sup>
- Note that Virginia has a specific statute protecting parental rights, which may provide additional rights to parents. For more information, please see Va. Code Ann. § 1-240.1 (2013).

### For More Information:

- Va. Code § 22.1-207.2 (2020).
- Va. Code § 22.1-207.2:1 (2019).
- Va. Code § 22.1-16.8 (2022). Instructional material; sexually explicit content; parental notification.
- Va. Code § 2.2-2827 (2001).

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<sup>1</sup> Va. Code § 22.1-207.2 (2020).

<sup>2</sup> Va. Code § 22.1-207.2:1 (2019).

<sup>3</sup> Va. Code § 22.1-16.8 (2022). Instructional material; sexually explicit content; parental notification.

<sup>4</sup> Va. Code § 2.2-2827 (2001).







## Washington

Washington statutes state that parents or legal guardians have the right to excuse their children from planned instruction in comprehensive sexual health education.<sup>1 2</sup> This is a passive consent process which can also be known as an “opt-out” process, meaning, parents must choose to have their child not participate in the courses or programs.<sup>3</sup> Parents must file a written request to the school district board of directors or its designee, or the principal of the school their child attends, or the principal’s designee. Comprehensive sexual health education must be provided to all public school students, and especially those from grades six through twelve.<sup>4 5</sup> Each school that provides comprehensive sexual health education must notify parents and guardians in writing or in accordance with the preferred method by the school that the school is providing the instruction.

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<sup>1</sup> Wash. Rev. Code Ann. § 28A.300.475 (7)(a) (2021).

<sup>2</sup> Wash. Rev. Code Ann. § 28A.300.475 (7)(b) (2021). “Comprehensive sexual health education” means recurring instruction in human development and reproduction that is age-appropriate and inclusive of all students, regardless of their protected class status under chapter 49.60 RCW. All curriculum, instruction, and materials used in providing comprehensive sexual health education must be medically and scientifically accurate and must use language and strategies that recognize all members of protected classes under chapter 49.60 RCW. Comprehensive sexual health education for students in kindergarten through grade three must be instruction in social-emotional learning that is consistent with learning standards and benchmarks adopted by the office of the superintendent of public instruction under RCW 28A.300.478. Comprehensive sexual health education for students in grades four through twelve must include information about: (i) The physiological, psychological, and sociological developmental processes experienced by an individual; (ii) The development of intrapersonal and interpersonal skills to communicate, respectfully and effectively, to reduce health risks, and choose healthy behaviors and relationships that are based on mutual respect and affection, and are free from violence, coercion, and intimidation; (iii) Health care and prevention resources; (iv) The development of meaningful relationships and avoidance of exploitative relationships; (v) Understanding the influences of family, peers, community, and the media throughout life on healthy sexual relationships; and (vi) Affirmative consent and recognizing and responding safely and effectively when violence, or a risk of violence, is or may be present with strategies that include bystander training.

<sup>3</sup> Wash. Rev. Code Ann. § 28A.300.475 (7)(a) (2021).

<sup>4</sup> Wash. Rev. Code Ann. § 28A.300.475 (2)(a) and (2)(b) (2021).

<sup>5</sup> Wash. Rev. Code Ann. § 28A.300.475 (2)(a) and (2)(b) (2021). Comprehensive sexual health education to public school students as required by (a) and (b) of subsection (2) must be provided no less than: (i) Once to students in kindergarten through grade three; (ii) Once to students in grades four through five; (iii) Twice to students in grades six through eight; and (iv) Twice to students in grades nine through twelve.

That notice must also include a means for electronic access to all course materials, by grade, that will be used at the school for the instruction.

**Notes:**

- Comprehensive sexual health education is offered to every student. The information must be medically and scientifically accurate, as well as age-appropriate and inclusive of all students, regardless of their protected class status.<sup>6 7</sup>
- Information taught must include abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases. Abstinence may not be taught to the exclusion of other materials and instruction on contraceptives and disease prevention.<sup>8</sup>
- After the 2020-2021 school year, affirmative consent and bystander training must be incorporated into the curriculum. School district boards must consult with parents and guardians of students, local communities, and the Washington state school directors' association.<sup>9 10</sup>
- The learning standards and guidelines are available on the office of the superintendent of public instruction's website in regard to the 2005 guidelines.<sup>11</sup>
- Public schools may choose a curriculum for the teaching of sexual health education. If it is not part of the pre-approved curricula, they must go through the curriculum with the office of the superintendent of public instruction to ensure compliance with the requirements given in this section.<sup>12</sup>
- To opt out from AIDS prevention education, a parent or guardian must submit a written objection to the participation of their child in the program after attending a presentation on the subject, which will occur at least one month before the educational program is taught.<sup>13</sup>
- For any curriculum included within a program for the prevention of sexual abuse of students in kindergarten through twelfth grade, the office of the superintendent must seek advice and comments regarding the curriculum from:
  - The Washington association of sheriffs and police chiefs; the Washington association of prosecuting attorneys; the Washington state school directors' association; the association of Washington school principals; the center for children and youth justice; youth

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6 Wash. Rev. Code Ann. § 28A.300.475 (1)(a)(i) (2021).

7 Wash. Rev. Code Ann. § 28A.300.475 (11)(c) (2021). "Medically and scientifically accurate" means information that is verified or supported by research in compliance with scientific methods, is published in peer-reviewed journals, where appropriate, and is recognized as accurate and objective by professional organizations and agencies with expertise in the field of sexual health including but not limited to the American college of obstetricians and gynecologists, the Washington state department of health, and the federal centers for disease control and prevention.

8 Wash. Rev. Code Ann. § 28A.300.475 (ii)(A) (2021).

9 Wash. Rev. Code Ann. § 28A.300.475 (ii)(B) (2021).

10 Wash. Rev. Code Ann. § 28A.300.475 (11)(a) (2021). "Affirmative consent" means a conscious and voluntary agreement to engage in sexual activity as a requirement before sexual activity;

11 Wash. Rev. Code Ann. § 28A.300.475 (3) (2021).

12 Wash. Rev. Code Ann. § 28A.300.475 (6)(a) and (6)(b) (2021).

13 Wash. Rev. Code Ann. § 28A.300.475 (4) (2021).

care; the committee for children; the office of crime victim advocacy in the department of commerce; and other relevant organizations.

- The coordinated prevention program established under this section is a voluntary program and is not part of the state's program of basic education.<sup>14</sup>
- Parents must be given notice of the coordinated prevention program, and may refuse to have their children participate in the program.<sup>15</sup>

**For More Information:**

- Wash. Rev. Code Ann. § 28A.300.475 (2021).
- Wash. Rev. Code Ann. § 28A.230.070(4)(7) (2020).
- Wash. Rev. Code Ann. § 28A.300.160 (2018).

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14 Wash. Rev. Code Ann. § 28A.300.160 (3) (2018).

15 Wash. Rev. Code Ann. § 28A.300.160 (4) (2018).



## West Virginia

West Virginia statutes state that parents have the right to excuse their children from instruction in the prevention, transmission, and spread of acquired immune deficiency syndrome and other sexually transmitted diseases.<sup>1</sup> This is a passive consent process which can also be known as an “opt-out” process, meaning, parents must choose to have their child not participate in the courses or programs.<sup>2</sup> Parents must inform the school principal in writing that they are exempting the child from the subject.<sup>3</sup> There must be an opportunity for parents to review the material to be taught.<sup>4</sup> This type of course content will only be taught from grades six through twelve, and when instruction begins is dependent on the county board.<sup>5</sup>

### Notes:

- There is no indication from the statute that there are no consequences for a student being exempted from learning about the subjects.
  - Note that West Virginia has specific statutes protecting parental rights, which may provide additional rights to parents. For more information, please see W. Va. Code § 44-10-7 (1931), W. Va. Code § 49-1-1(a) and W. Va. Code § 49-6D-2(a), as extended by In re Willis, 207 S.E.2d 129 (W. Va. 1973).

### For More Information:

- W. Va. Code § 18-2-9 (2020).

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<sup>1</sup> W. Va. Code § 18-2-9 (C) (2020).

<sup>2</sup> W. Va. Code § 18-2-9 (C) (2020).

<sup>3</sup> W. Va. Code § 18-2-9 (B) (2020).

<sup>4</sup> W. Va. Code § 18-2-9 (B) (2020).

<sup>5</sup> W. Va. Code § 18-2-9 (B) (2020).





## Wisconsin

Wisconsin statutes state all school boards may make available to their students instruction on topics related to human growth and development in order to promote accurate knowledge in this area. Each school board that provides such an instructional program must provide the parents of each student an outline of the human growth and development curriculum used in that student's grade. A parent may have their child exempted from this curriculum upon written request (opt-out) to the teacher or school principal.<sup>1</sup>

### Notes:

- This education may be provided to students in kindergarten through 12th grade.
- The education must be age appropriate to the level of maturity of the students.
- The program shall include instruction on self-esteem, responsible decision making and personal responsibility; interpersonal relationships; discouragement of adolescent sexual activity; family life and skills required of a parent; human sexuality; reproduction; family planning;<sup>2</sup> sex stereotypes and protective behavior; marriage and parental responsibility.<sup>3</sup>
- The human growth and development curriculum shall be developed and reviewed every three years by an advisory committee made up of parents, teachers, school administrators, pupils, health care professionals, members of the clergy, and other residents in the school district.

### For More Information:

- Wis. Stat. § 118.019 (2001). – Human Growth and Development Instruction.

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<sup>1</sup> Wis. Stat. § 118.019 (2001).

<sup>2</sup> As defined in s. 253.07 (1) (a), including natural family planning; human immunodeficiency virus and acquired immunodeficiency syndrome; prenatal development; childbirth; adoption; available prenatal and postnatal support; and male and female responsibility.

<sup>3</sup> If a school board provides instruction in human sexuality, reproduction, or family planning, the school board shall also provide instruction in marriage and parental responsibility.







## Wyoming

Wyoming statutes do not have an opt-out or opt-in policy that allows parents to exempt their students from instruction. School districts are required to follow the Board of Education Standards.<sup>1</sup> One of the required subjects that schools must offer an education program sufficient to meet board standards is: Health and Safety.<sup>2</sup> Sexuality is defined as the following: “The sum of the physical, functional, and psychological attributes that are expressed by one’s gender identity and sexual behavior; includes accurate, factual and developmentally appropriate information on sexuality, pregnancy prevention, and sexually transmitted infections such as HIV infection and AIDS.”<sup>3</sup>

### Notes:

- Using the standards defined in Wy. Stat. Ann. § 21-9-101 (2021) and regulations from the state board of education, the board of trustees from each school district will provide an educational program.
- Note that Wyoming has a specific statute protecting parental rights, which may provide additional rights to parents. For more information, please see Wyo. Stat. Ann. § 14-2-206 (2017).

### For More Information:

- Wy. Stat. Ann. § 21-9-101 (2021).

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<sup>1</sup> Wy. Stat. Code Ann. § 21-2-304 (2017).

<sup>2</sup> Wy. Stat. Code Ann. § 21-2-304 (a)(G) (2017).

<sup>3</sup> <https://edu.wyoming.gov/downloads/standards/final-2012-health-standards.pdf>

