

**“Immoral Instructional Material and Content”
Public School Opt-Out / Non-Consent Form for Christian
Parents and Legal Guardians for the _____ School Year**

INTRODUCTION: In 2020, the non-profit entity [SIECUS: Sex Ed for Social Change](#) published the [National Sex Education Standards](#). Though written in general/vague terms, the [Glossary of Sex Education Terms](#) at pages 53-68 discloses that the NSAS Standards promote the following beliefs: gender is a spectrum, gender is fluid, children can and should explore and change their gender in some circumstances, and children should learn about exploring their gender/sexual preferences in public school. The NSES Standards have been adopted by numerous states and school systems. Some states are even implementing “school-based health centers,” “state-wide telehealth for schools” and student data sharing with health insurers under the guise of “not missing classes” when going to the doctor with their parents. The NSES Standards are usually taught under the guise of: Sex Education; Social & Emotional Learning; Diversity, Equity & Inclusion; Surveys, Mental Health, and mandatory high school “Study Skills” classes. They are also taught by teachers who have been trained in undergraduate, graduate, continuing education, and certification programs. Additionally, they are “sprinkled” throughout the daily instruction, despite state laws that permit parents to opt-out of sex education. Most school administrators claim that opting-out it is “too difficult.” However, this response is unacceptable when constitutionally protected parental rights and religious freedom are at stake. **PARENTS HAVE TREMENDOUS FEDERAL AND STATE CONSTITUTIONAL RIGHTS THAT CAN PREVENT THIS INSTRUCTION FROM BEING IMPOSED ON THEIR CHILDREN, BUT ONLY IF THEY ACT. PARENTS’ FEDERAL AND STATE CONSTITUTIONAL RIGHTS TO EXEMPT THEIR CHILDREN FROM THIS INSTRUCTION MUST BE ASSERTED. SUBMITTING THIS OR A SIMILAR FORM IS THE FIRST STEP IN ASSERTING ONE’S PARENTAL RIGHTS.**

I/We, _____, as parent(s) and/or legal guardian(s) of _____, a minor child, who attends _____

school, hereby exercise my/our rights based upon the following:

WHEREAS, the United States Constitution protects the people from federal and state government infringement of their rights to: free exercise of religion, freedom of speech, freedom to peacefully assemble, and freedom to petition the government for redress of grievances. U.S. Const., First Amendment; *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940); *McDonald v. Chicago*, 561 U.S. 742, 763-767 & nn. 12-13 (2010) (U.S. Supreme Court holding that “the Due Process Clause of the Fourteenth Amendment ‘incorporates’ the great majority of [1st-10th Amendments] and thus makes them equally applicable to the States”).

WHEREAS, the U.S. Supreme Court has held that the U.S. Constitution also “protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.” *Troxel v. Granville*, 530 U.S. 57 (2000). *See also, Santosky v. Kramer*, 455 U.S. 745 (1982) (recognizing “fundamental liberty interest of natural parents in the care, custody, and management of their child”); *Wisconsin v. Yoder*, 406 U.S. 205 (1972) (recognizing “liberty of parents...to direct the upbringing and education of children”); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925) (parents have the right “to direct the upbringing and education of children under their control”); *Meyer v. Nebraska*, 262 U.S. 390 (1923) (concluding that the state “legislature has attempted materially to interfere with . . . the power of parents to control the education of their own”).

WHEREAS, the U.S. Constitution does not grant the federal government express power over education; rather, education was reserved to the states or to the people in the 10th Amendment to the U.S. Constitution, which states: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” U.S. Constitution, 10th Amendment. *See also San Brown v. Bd. of Educ.*, 347 U.S. 483, 493 (1954). (U.S. Supreme Court stating, “education is perhaps the most important function of state and local governments”); *Antonio v. Rodriguez*, 411 U.S. 1, 35 (1973) (U.S. Supreme Court stating, “Education, of course, is not among the rights afforded explicit protection under our Federal Constitution. Nor do we find any basis for saying it is implicitly so protected”).

WHEREAS, Federal education programs are permitted under the “taxing and spending clause” if the state government chooses to accept the federal program along with the accompanying obligations in exchange for federal monies. *South Dakota v. Dole*, 483 U.S. 203 (1987).

WHEREAS, all 50 states have a State Constitution that includes: (1) a Bill of Rights or Declaration of Rights that reiterates the rights given to the people in the U.S. Constitution, thus providing a second layer of state constitutional rights to the people; and (2) an “Education Article” that gives the people of each state the right to a free public education k-12. *See*

AL: Articles I (1-36) and XIV (256-270); AK: Articles I and VII; AZ - Articles II and XI; AR: Articles II and XIV; CA: Articles I and IX; CO: Articles II and IX; CT: Articles I and VIII; DE: Articles I and X; FL: Articles I and IX; GA: Articles I and VIII; HI: Articles I and X; ID: Articles I and IX; IL: Articles I and X; IN: Articles I and VIII; IA: Articles I and IX; KS: "Bill of Rights" and Article VI; KY: Sections 1-26 and 183-189; LA: Articles I and VIII; ME: Articles I and VIII; MD: "Declaration of Rights" and Article VIII; MA: "Part of the First - Declaration of Rights" and Article VIII; MI: Articles I and VIII; MN: Articles I and XIII, Section 1; MS: Articles III and VIII; MO: Articles I and IX; MT: Articles II and X; NE: Articles I and VII; NE: Articles I and XI; NH: "Part First" and "Part Second" at Article 83; NM: Articles II and XII; NJ: Articles I and VIII at § IV; NY: Articles I and XI; NC: Articles I and IX; ND: Articles I and VIII; OH: Articles I and VI; OK: Articles II and VIII; OR: Articles I and VIII; PA: Articles I and III; RI: Articles I and XII; SC: Articles I and XI; SD: Articles VI and VIII; TN: Articles I and XI; TX: Articles I and VII; UT: Articles I and X; VT: Ch. I and II, Section 68; VA: Articles I and VIII; WA: Articles I and IX; WV: Articles III and VII; WI: Articles I and X; WY: Articles I and VII.

WHEREAS, I/we are Christians who are raising our children in accordance with my/our own sincerely held religious beliefs, which admonish us to exempt my/our child from immoral instructional material and content as defined in the Bible. The specific content that violates our sincerely held religious beliefs is specified in Sections I-V below.

WHEREAS, I/we do not consent to my/our child being exposed to immoral instructional material and content under the guise of: sex education; diversity, equity and inclusion; social and emotional learning; surveys; mental health; mandatory high school "study skills"; or any other subject. I/We respectfully request an exemption for my/our child based on my/our child's state constitutional right to a free public education, and our federal and state constitutional right to free exercise of religion, freedom of speech, and the parental right to make decisions concerning the care, custody, and control of my/our children. See U.S. Constitution, First Amendment; *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940); *McDonald v. Chicago*, 561 U.S. 742 (2010); *Troxel v. Granville*, 530 U.S. 57 (2000); *Santosky v. Kramer*, 455 U.S. 745 (1982); *Wisconsin v. Yoder*, 406 U.S. 205 (1972); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Meyer v. Nebraska*, 262 U.S. 390 (1923).

WHEREAS, State and local government officials, administrators, and representatives cannot meet the legal standard of "strict scrutiny" for abridging my/our federal and state constitutional rights. They do not have a compelling interest in teaching students k-12 immoral content; nor are their methods narrowly tailored to meet any purported governmental interest. As such, the plethora of immoral content in public schools k-12 is an unconstitutional violation of my/our child's state right to a free public education, and my/our federal and state rights to free exercise of religion and my/our parental right to make decisions concerning the care, custody, and control of my/our children.

WHEREAS, State and Local School Superintendents and other State and local government officials have a duty to enforce the State Constitution, and to protect against violations of the people's federal and state constitutional rights.

WHEREAS, even though my/our federal and state constitutional rights ALONE are sufficient to obtain an exemption, many states ALSO have State School Laws, State Board of Education Rules and Local Board of Education Rules and Policies that allow exemptions from sex education if there is a written request from the parents or legal guardians. Moreover, State School Superintendents and Local School Superintendents have duties to enforce these laws, rules and policies, which are often guaranteed by a monetary bond to ensure the faithful discharge of the superintendents' duties. See generally, Ala. Code § 16-1-1 et seq.; AK ST § 14.03.010 et seq.; AZ Rev Stat § 15-101 et seq.; AR Code § 6-1-101 et seq.; CA Educ Code § 1 et seq.; CO Rev Stat § 22-1-101 et seq.; CT Gen Stat § 10-1 et seq.; 14 Del. C. §101 et seq.; FL Stat § 1000.01 et seq.; O.C.G.A. § 20-1-1 et seq.; HI Rev Stat § 302A-121 et seq.; ID Code § 33-1-1 et seq.; 105 ILCS 5/1-1 et seq.; IN Code § 20-18-1-1 et seq.; IA Code § 256.1 et seq.; KS Stat § 72-120 et seq.; KY Rev Stat § 156.005 et seq.; LA Rev Stat § 17:1 et seq.; MD Education Code Ann § 1-101 et seq.; MA Gen L ch 69 § 1 et seq.; MI Comp L § 380.1891 et seq.; MN Stat 120A.01 et seq.; MS Code § 37-1-1 et seq.; MO Rev Stat § 160.011 et seq.; MT Code § 20-1-101 et seq.; NE Code § 79-101 et seq.; NV Rev Stat § 385.005 et seq.; NH Rev Stat § 186:5 et seq.; NM Stat § 22-1-1 et seq.; NJ Rev Stat § 18A:1 et seq.; NY Educ L § 1 et seq.; NC Gen Stat § 115C-1 et seq.; N.D.C.C. § 15-01-01 et seq.; Ohio Rev Code § 3301.01 et seq.; 70 OK Stat § 70-1-100 et seq.; OR Rev State § 326.011 et seq.; 24 PA Cons Stat § 102 et seq.; RI Gen L §-1-5 et seq.; SC Code § 59-10-1 et seq.; SD Codified L 13—1-12.1 et seq.; TN Code § 49-1-101 et seq.; TX Educ Code § 1.001 et seq.; UT Code § 53E-1-101 et seq.; 16 V.S.A. § 1 et seq.; VA Code § 22.1-1 et seq.; WA Rev Code § 28A.150.010 et seq.; WV Code § 18-1-1 et seq.; WI Stat § 115.001 et seq.; WY Stat § 21-1-101 et seq. California is debating whether to rescind the state law giving parents the right to opt-out of sex ed.

WHEREAS, to the extent that State laws give public schools and public-school libraries an exemption to the State's criminal obscenity law, which makes it a crime to provide obscene or harmful material to minors, it is my/our position that the obscenity exemption violates, *inter alia*, my/our child's state constitutional right to a free public education and my/our federal and state constitutional rights to free exercise of religion and the rights of parents to make decisions concerning the care, custody, and control of their children. The obscenity exemptions cannot withstand "strict

scrutiny.” See Reisman, Judith A. and McAlister, Mary E. (2018) “Materials Deemed Harmful to Minors Are Welcomed into Classrooms and Libraries via Educational “Obscenity Exemptions,” *Liberty University Law Review*. Vol 12: Iss. 3, Article 3; See footnote 43 for state obscenity exemptions.

WHEREAS, to the extent that the school or school district has incorporated so much sexually related matter into the school’s instructional material and content that my/our child cannot be exempt or opt-out from this instruction, and the school or school district denies our request for an exemption, it is my/our position that said denial constitutes a violation of, *inter alia*, my/our child’s state constitutional right to a free public education, and my/our federal and state constitutional rights to free exercise of religion, freedom of speech, and the rights of parents to make decisions concerning the care, custody, and control of their children.

WHEREAS, I/we reserve all of my/our rights to take any and all legal action necessary to protect my/our federal and state constitutional rights and to enforce any and all laws, rules and policies that support my/our position.

THEREFORE, based on the foregoing, I/we respectfully request that my/our minor child receive an exemption from all sex education instruction, and to clarify my/our requested exemption, hereby place all state and local school officials, administrators, agencies, representatives, and staff on notice of the following:

Section I – CONTENT / SUBJECT MATTER

I/WE DO NOT CONSENT to my/our child being given instructional material or content, or being subjected to discussion or activities on any of the following topics:

- Sex education;
- Birth control/contraceptives;
- Abortions and/or abortifacients;
- Sexual activity of any kind including but not limited to vaginal, oral, or anal sex, and masturbation;
- Sexual orientation including but not limited to homosexuality, lesbian, gay, bisexual, queer, or transgender;
- Gender identity, including but not limited to gender as a social construct, gender spectrum/fluidity, cisgender, gender binary, gender non-conforming, gender queer, gender variant, transgender, gender dysphoria, preferred gender pronouns, gender expression, gender “assigned at birth,” cross-sex hormones, gender surgery, any other methods and/or surgeries to alter appearances attributed to biological sex;
- Participation in any group, organization, club, entity or activity that focuses on or is identified by the group members’ sexual activity, sexual orientation, or gender identity;
- Any performance by or activity involving drag queens, drag kings, or other cross-sex impersonators;
- Any additional instruction, discussion or activity including but not limited to classroom teachers, school staff, counselors, librarians, third-providers, YouTube or other videos, films, live streaming, other audio-visual methods, textbooks, workbooks, or handout material including any content or subject matter listed under Section I or any entity listed under Section II.

Section II – COMMON SOURCES

I/WE DO NOT CONSENT to my/our child’s participation in any instruction, discussion, or activity which is derived in whole or in part from, contains information from, or references to the following sources:

- The National Sexuality Education Standards: Core Content and Skills, K–12 (Second Edition)
- SIECUS: Sex Ed for Social Change
- Advocates for Youth/Amaze
- Answer
- Future of Sex Education (FoSE) Initiative
- Sex, Etc.
- Planned Parenthood
- The Kinsey Institute
- GLSEN (Gay Lesbian Straight Education Network)
- Gay Straight Alliance

- TeenSource

Section III – SURVEYS AND INQUIRIES

I/WE DO NOT CONSENT to my/our child being given any surveys.

I/WE DO NOT CONSENT to my/our child being questioned in any form or manner regarding the following:

- Sexual behavior or attitudes of my/our child or my/our family;
- Political affiliations or beliefs of my/our child or my/our family;
- Religious practices, affiliations, or beliefs of my/our child or my/our family unless offered by my/our child as part of a school assignment or discussion;
- Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

With regard to Sections I, II, and III above, I/we request alternative academic instruction for my/our child during the same period that any instruction or activity listed above is provided, and without subjecting my/our child to any disciplinary action, academic penalty, ridicule, retaliation, retribution, or other sanction.

Section IV – HEALTH/MEDICAL CARE

I/WE DO NOT CONSENT to my/our child being given any of the following health services:

- Contraceptives;
- Birth control pills and/or devices;
- Abortifacients or referrals for an abortion;
- Feminizing or masculinizing hormone therapies;
- Referrals for gender affirmation or gender reassignment surgery;
- Psychiatric, psychological, or mental health examinations;
- Psychiatric, psychological, or mental health counseling;
- Referrals (oral or written) to **any** counselor, medical professional, social worker, outside agency, organization, group, or individual (either within or outside the school) for the purposes of discussing sexuality, gender identity, or any of the topics listed herein.

I/We believe that providing any of the above services to my/our child infringes on my/our constitutional rights.

Section V – DATA SHARING

I/WE DO NOT CONSENT to any data sharing of my/our child’s personally identifying information in education records even if such information falls within one of the many exceptions to the Family Educational and Privacy Rights Act (FERPA, 20 U.S.C.S. § 1232g(b)), or any State or local law, rule or policy, that permits sharing a child’s personal identifying information with other agencies, public or private providers, or insurance companies. I/We believe that the data sharing provisions in our State and local laws, rules, and policies, as well as the FERPA exceptions, are overbroad and may infringe on my/our constitutional rights.

I/We hereby request that this notification be provided to all people offering instruction to my/our child during the school year, including but not limited to teachers, substitute teachers, aides, counselors, and librarians. Any instruction contrary to this notice will be the subject of further action to uphold my/our federal and state constitutional rights.

Printed Name of Parent or Legal Guardian #1

Signature of Parent or Legal Guardian #1

Date

Printed Name of Parent or Legal Guardian #2

Signature of Parent or Legal Guardian #2

Date

Name of Minor Child

IMPORTANT DISCLAIMER: The information in this form is for general information only. Nothing in this form should be considered as legal advice. The use of this form does not create an attorney-client relationship with those who contributed to its contents. This form is not intended to be a substitute for retaining legal counsel. Please review all laws referenced in this form with legal counsel and revise accordingly BEFORE you sign and submit this form to your child's school.

School representative who received this form (Printed Name):

School representative who received this form (Signature):

Date and time form received by school representative: