

1.311 Accountability – Parent Opt-Out Rights

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

Definitions: “Controversial issues” means anything that is the subject of intense public argument, disagreement, or disapproval. This includes issues that may have political, social, or personal impacts on students and/or the community, and it includes issues that are likely to arouse both support and opposition in the community.

Policy Objectives: It is the intent of the Board to adopt a clear and comprehensive opt-out policy that reinforces the vital role of parental involvement in guiding their children’s education and respects the fundamental right to religious freedom affirmed by the U.S. Supreme Court in *Mahmoud v. Taylor* (2025).

A. **Transparency and Notice Requirements:** To ensure that families can make informed decisions about their children’s education, the district shall annually provide parents with advance notice of their opt-out rights in the student handbook and on the district website. The district shall include in the handbook and website a non-exhaustive list of areas commonly subject to opt-out and explain how parents can submit requests.

1. **Instruction Commonly Subject to Opt-Outs:**

- a. Topics such as sex education, student surveys, mental health screenings, and controversial issues.
- b. Presentations or activities involving guest speakers from outside the district.
- c. Teacher-created materials addressing sensitive or ideologically contested topics beyond core academic standards.
- d. Any topic previously identified in writing by a parent as sensitive or ideologically contested with respect to that family’s religious beliefs, regardless of whether the district or teacher considers the topic to be controversial.

B. **Access to Instructional Materials:** Upon request, parents shall be permitted to review any instructional materials used in the education of their children, including:

1. Printed or digital materials, audio-visual content, vendor-created resources, teacher-developed content, and tests or assessments.
2. Materials used in connection with surveys or evaluations.

C. **Parental Authority & Religious Liberty:** Parents have the fundamental right to direct the religious upbringing and education of their children. Consistent with *Mahmoud v. Taylor*, when a parent raises a religious objection to specific content or activities, the district must:

1. Promptly review the request;
2. Honor all parental opt-out requests submitted under this policy, unless the opt-out request is denied by the school board; and
3. Offer reasonable alternative assignments that fulfill educational objectives without burdening the family’s religious beliefs.

D. Neutrality and Nondiscrimination: Opt-out requests shall not be granted or denied based on agreement or disagreement with the parent's beliefs. Schools shall remain viewpoint-neutral and respectful of family diversity.

E. The Superintendent shall develop procedures for opt-out requests, which include, but are not limited to:

1. Parents shall submit a written opt-out request to either the principal or the student's teacher.
2. The request should:
 - a. Identify the content, activity, or course at issue.
 - b. Religious opt-out requests need only state that the instruction conflicts with the family's religious beliefs and shall not be subject to questioning.
 - c. If district personnel believe that a specific opt-out request should be denied, then, as soon as possible, but no later than 10 school days after receiving the request, the principal of the school that the child attends shall inform the parent(s) who submitted the request and the school board of that belief and shall explain in writing the asserted reasons for denying the request.
 - d. The school board will then review the opt-out request and the asserted reasons for denying the request, under strict scrutiny standards, as described in the legal analysis for this policy. It will make a determination as to whether the opt-out request may be denied.
 - e. The opt-out request will be honored unless and until the opt-out request is denied by the school board. In no case shall the student be exposed to the materials or curricula that are the subject of the opt-out request prior to a decision by the board.
 - f. If a parent submits an opt-out request after a lesson or unit has already begun, the request shall still be honored. Parents are not expected to anticipate all instructional content in advance, and a delay in recognizing or objecting to content shall not be grounds for denying the opt-out.

F. When a student is excused from specific instruction under this policy, the school shall provide an alternative assignment or academic activity aligned with the same learning goals, without penalty.

G. Schools shall maintain records of approved opt-out requests and document compliance.

H. If a parent reports a failure to honor an approved opt-out, the district shall investigate and respond to the parent and school board within five school days. Repeated or intentional violations may result in staff discipline.

I. This policy does not create a right to opt out of entire academic subjects or content required by law unless legally exempt or compelled by a religious accommodation.

J. Opt-out rights do not permit disruption of instruction or school operations.

K. Students shall not be excused from instruction essential to health or safety (e.g., fire safety, emergency drills) unless a valid legal or religious exemption is granted.

Legal Ref.:
Supreme Court
Mahmoud v. Taylor (2025)