

Public School Opt-Out Form
Based on the Right to Free Exercise of Religion, Parental Rights,
the Freedom of Speech/Not to Speak, and Freedom of Conscience
Guaranteed under the Federal and State Constitutions

ON JUNE 27, 2025, THE U.S. SUPREME COURT REAFFIRMED PARENTS' RELIGIOUS AND PARENTAL RIGHTS IN THE CASE OF *MAHMOUD V. TAYLOR*, (2025). PURSUANT TO THIS DECISION, I/WE REQUEST ADVANCED "NOTICE" OF ALL LGBTQ+-INCLUSIVE INSTRUCTION "TO BE USED IN ANY WAY" AND THE RIGHT TO OPT-OUT.

I/We, _____, as parent(s) and/or legal guardian(s) of _____, a minor child, who attends _____ school, respectfully request an opt-out for my/our child based on my/our federal and state constitutional rights, which include: parental rights, free exercise of religion and conscience, freedom of speech, and negative freedom of speech or freedom not to speak. I/We are raising our children in accordance with my/our sincerely held religious beliefs and conscience.

As required by the U.S. Supreme Court's decision in *Mahmoud v. Taylor*, all public schools are required to give advanced notice to parents of all LGBTQ+-inclusive instruction that is "to be used in any way" and give parents an opportunity to opt out. *Mahmoud v. Taylor*, 606 U.S. ____ (temporary page 41)(2025). Public schools are not permitted to embed or weave LGBTQ+-inclusive instruction into public education. Even subtle "normative" references that "convey a particular viewpoint about same-sex marriage and gender" and "threaten to undermine the religious beliefs that parents wish to instill in their children" are prohibited. The specific content that I/we believe violates my/our rights is specified in Sections I-IV below. The legal references for my/our request are in Section V attached. I/We have indicated all that apply. This Opt-Out, dated _____, revokes and supersedes any conflicting permission or opt-in forms that I/we may have previously signed.

Section I – LGBTQ+-INCLUSIVE INSTRUCTION AND CONTENT

I/WE DO NOT CONSENT to my/our child being given:

- _____ LGBTQ+-inclusive instruction that is "to be used in any way" as required by the U.S. Supreme Court's June 27, 2025 decision in *Mahmoud v. Taylor*, 606 U.S. ____ (temporary page 41) (2025);
- _____ Sexual activity or identity of any kind, 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;
- _____ Any performance by or activity involving drag queens, drag kings, or other cross-sex impersonators;
- _____ Participation in any group, organization, club, entity, or activity that focuses on the group members’ sexual activity, sexual orientation, or gender identity;
- _____ Participation in sex education classes offered by the school; and/or
- _____ Other _____

Section II – 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;
- _____ Psychiatric, psychological, or mental health examinations and/or counseling;
- _____ Referrals (oral or written) to **any** counselor, medical professional, social worker, outside agency, organization, group, or individual to discuss sexuality, gender identity, or gender reassignment surgery.

Section III – SURVEYS AND INQUIRIES

- _____ I/WE DO NOT CONSENT to my/our child being given any surveys; and/or
- _____ I/WE DO NOT CONSENT to my/our child being questioned in any form or manner regarding the following:
 - _____ Sexual and gender identity, beliefs, or behaviors 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; and/or
 - _____ Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Section IV – “WELLNESS PROGRAMS” THAT INVOLVE EASTERN RELIGIOUS AND MYSTIC ACTIVITIES

- _____ I/WE DO NOT CONSENT to my/our child being given instruction on or participating in any of the following wellness programs including, but not limited to, Mindful Schools Programs, Calm Schools Programs, Quiet Time Meditation Programs, or any other wellness program that is rooted

in Eastern religious traditions. These programs may involve chanting and/or religious prayers, which raise concerns for me/us regarding religious freedom and parental consent.

Regarding Sections I through IV 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.

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.

Printed Name of Parent or Legal Guardian

Signature of Parent or Legal Guardian

Date

Name of Minor Child

PARENTS: IF YOU SUBMIT AN OPT-OUT AND THE SCHOOL REFUSES TO HONOR IT, OR IF YOU HAVE QUESTIONS, IMMEDIATELY CONTACT AN ATTORNEY IN YOUR STATE. TIME LIMITS MAY APPLY TO YOUR SITUATION. PLEASE KEEP A COPY OF THIS COMPLETED FORM FOR YOUR RECORDS.

IMPORTANT DISCLAIMER: The information in this form is for educational purposes only. No information contained in this form should be construed as legal advice, nor is it intended to be a substitute for legal counsel on any subject matter. The use of this form does not create an attorney-client relationship. The information in this form may not reflect the current law in your jurisdiction, particularly where new laws were enacted in the most recent legislative session. Readers are encouraged to contact an education law attorney in their jurisdiction with any questions.

School representative who received this form (Printed Name):

School representative who received this form (Signature):

Date and time form received by school representative:

[SECTIONS V REGARDING LEGAL REFERENCES IS ATTACHED]

Section V – LEGAL REFERENCES

1. **The U.S. Constitution protects the people’s rights to: free exercise of religion, freedom of speech, and freedom to petition the government for redress of grievances.** U.S. Const., First Amendment. See *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”). See Brolly, Kelly, "[Laws, Rules, and Rights: A Guide to Protecting Children in Public Schools](#)," Double Umbrella Publications, LLC (2023). Available where books are sold and at www.doubleumbrellapublications.com. See Book pp. 16, 116-124 and 131-155.
2. **The U.S. Constitution also “protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children” and to “direct the religious upbringing and education of their children.”** *Mahmoud v. Taylor*, 606 U.S. ____ (2025) (stating, “we have long recognized the rights of parents to direct the religious upbringing of their children” at temp. p. 17); *Troxel v. Granville*, 530 U.S. 57 (2000) (stating that the U.S. Constitution “protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children”); *Wisconsin v. Yoder*, 406 U.S. 205, 213-214 (1972) (stating “the Court’s holding in *Pierce* stands as a charter of the rights of parents to direct the religious upbringing of their children”); *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 unconstitutionally interfered “the power of parents to control the education of their own”). See "[Laws, Rules, and Rights: A Guide to Protecting Children in Public Schools](#)," pp. 134-136.
3. **On June 27, 2025, the U.S. Supreme Court held that public schools are required to give advanced notice to parents when books and instructional materials with LGBTQ+ themes are “to be used in any way and to allow [the parents] to have their children excused from that instruction.”** See *Mahmoud v. Taylor*, 606 U.S. ____ (2025) (stating, “[W]e hold that the Board’s introduction of the ‘LGBTQ+-inclusive’ storybooks – combined with its decision to withhold notice to parents and to forbid opt-outs – substantially interferes with the religious development of their children and imposes the kind of burden on religious exercise that *Yoder* found unacceptable” at temporary p. 22).
4. **“Public education is a public benefit, and the government cannot ‘condition’ its ‘availability’ on parents’ willingness to accept a burden on their religious exercise.”** See *Mahmoud v. Taylor*, p. 32-33 (2025). This is known as the “unconstitutional conditions doctrine.”
5. **“[Public schools] cannot escape [their] obligation to honor parents’ free exercise rights by deliberately designing [the] curriculum to make parental opt outs more cumbersome.”** See *Mahmoud v. Taylor*, p. 39 (2025).

6. **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. See *"Laws, Rules, and Rights: A Guide to Protecting Children in Public Schools,"* pp. 125-129 and Appendix C.
7. **Many State Constitutions protect matters of “conscience” in place of or in addition to the right to free exercise of religion.** See AZ - Article II, § 12; AR: Article II, §§ 24-25; CA: Article I, § 4; CO: Article II, § 4; DE: Article I, §§ 1-2; ID: Article I, § 4; IL: Article I, § 3; IN: Article I, 2-8; KS: Article I, § 7; KY: Article I, § 1; ME: Article I, § 3; MI: Article I, §4; MN: Article I, §§ 16-17; MO: Article I, § 5; NE: Article I, § 4; NV: Article I, § 4; NH: Part First, § 5; NM: Article II, § 11; NY: Article I, § 3; NC: Article I, § 13; ND: Article I, § 3; OH: Article I, § 7; OR: Article I, §§ 2-7; PA: Article I, §§ 3-4; RI: Article I, § 3; SD: Article VI, § 3; TN: Article I, §§ 3-4; TX: Article , §§ 4-7; UT: Article I, § 4; VT: Ch. I, § 3; VA: Article I, § 16; WA: Article I, § 11; WI: Article I, § 18; WY: Article I, §§ 18-19. See *"Laws, Rules, and Rights: A Guide to Protecting Children in Public Schools,"* pp. 139 and Appendix B.
8. **State and local school superintendents have a duty to enforce the State Constitution, and to protect against violations of the people’s federal and state constitutional rights.** See *"Laws, Rules, and Rights: A Guide to Protecting Children in Public Schools,"* pp. 17-20, and 65-86.