



Parental Rights OPT-OUT Form

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

public school or charter school, respectfully request an opt-out for my/our child based on my/our federal and state constitutional rights, which include among other things: 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/or our conscience. The specific content that I/we believe violates my/our rights is specified in Sections I-IV below. The references for my/our request are in Section V. I/We have indicated all that apply.

Section I – 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 II – 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 surveyed or questioned regarding the following:

- 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;
- Sexual and gender identity, beliefs, or behaviors of my/our child or my/our family;
- 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 III – SEX AND GENDER CONTENT

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

- _____ Sex education classes or instruction;
- _____ LGBTQ+-inclusive instruction, content, or activity that is “to be used in any way,” (See *Mahmoud v. Taylor*, 606 U.S. ___, temp. p. 21-22, 39 (June 27, 2025) (U.S. Supreme Court holding 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” and stating that “[public schools] cannot escape [their] obligation to honor parents’ free exercise rights by deliberately designing [the] curriculum to make parental opt outs more cumbersome”); and/or
- _____ Instruction and content that constitutes “obscenity” or “material harmful to minors” under state criminal laws. Despite exemptions for schools and school libraries in some states, I/we opt-out.

Section IV – “WELLNESS PROGRAMS” INVOLVING 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, 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 _____

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.

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.

Name of Minor Child _____

School representative who received this form (Printed Name): _____

School representative who received this form (Signature): _____

Date and time form received by school representative: _____

Section V – 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 "[Laws, Rules, and Rights: A Guide to Protecting Children in Public Schools](#)," Double Umbrella Publications, LLC (2023). See 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,” to “direct the religious upbringing and education of their children,” and to opt-out of LGBTQ+ content in public schools.** *Mahmoud v. Taylor*, 606 U.S. ___, temp. p. 21-22 (2025) (stating, “we hold that the [school’s] introduction of the ‘LGBTQ+ inclusive’ storybooks – combined with its decision to withhold notice to parents and to forbid opt outs – substantially interfered with the religious development of their children and imposes the kind of burden on religious exercise that *Yoder* found unacceptable”); *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”); *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, 213-214 (1972) (recognizing “liberty of parents...to direct the upbringing and education of children” and stating “the Court’s holding in *Pierce* stands as a charter of the rights of parents to direct the religious upbringing of their 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. **“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*, temp. p. 32-33 (2025). This is known as the **“unconstitutional conditions doctrine.”**

4. **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.

5. **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; GA: Article I, § 1; 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.

6. **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.

7. **All 50 states have laws that make it a crime to provide children with “obscenity” or “material deemed harmful” to minors. Although many states give exemptions to schools and libraries, parents are entitled to opt-out of this content and instruction.** *Mahmoud v. Taylor*, 606 U.S. ____, (2025). See also AL: Obscenity - [Ala. Code §§ 13A-12-200.1 to 13A-12-200.12](#); Material Harmful to Minors - [13A-12-200.5](#); Affirmative Defenses – [13A-12-200.4](#); AK: [AK Stat § 11.61.128](#); No Exemptions; AZ:

Material Harmful to Minors – [AZ Rev Stat § 13-3506](#); No Exemptions; **AR**: Obscenity - [AR Code §§ 5-68-301 to 5-68-308](#); Defenses – [AR Code § 5-68-308](#); **CA**: Obscenity and Harmful Matter - [CA Penal Code §§ 313 to 313.5](#); Defense – [CA Penal Code § 313.3](#); **CO**: Materials Harmful - [CO Rev Stat §§ 18-7-501 to 18-7-5-4](#); Exemption – [18-7-503](#); **CT**: Obscenity - [CT Gen Stat §§ 53a-193 to 53a-196](#); Defenses – [53a-195](#); **DE**: Obscenity - [11 DE Code §§ 1361 to 1365](#); Defenses – [11 DE Code § 1362](#); **FL**: Obscenity – [FL Stat § 847.001 to 847.202](#); Exemption – [FL Stat § 847.012\(5\)](#); **GA**: Harmful Material – [O.C.G.A. § 16-12-103](#); Exceptions – [O.C.G.A. § 16-12-104](#); **HI**: Promoting Pornography, Exemptions – [HI Rev Stat § 712-1215](#); **ID**: Harmful Material – [ID Code §§ 18-1513 to 18-1517](#); Defenses – [ID Code § 18-1517](#); **IL**: Obscenity and Affirmative Defenses – [720 ILCS 5/ Sec. 11-20\(f\)](#); **IN**: Crimes, Obscenity – [IN Code § 35-49-3-3](#); Defenses – [IN Code § 35-49-3-4](#); **IA**: Obscenity – [IA Code §§ 728.1 to 728.15](#); Defenses – [728.7](#); **KS**: Obscenity to Minors and Defenses – [KS Stat § 21-6401](#); **KY**: Pornography – [KY Rev Stat § 531](#); Exemptions – [KY Rev Stat § 531.070](#); **LA**: Obscenity and Exemptions – [LA Rev Stat § 14:106\(D\)\(1\)](#); **ME**: Obscenity to Minors and Exemptions – [17 ME Rev Stat § 2911\(2\)](#); **MD**: Obscenity – [MD Crim Law Code Ann § 11-201 to 211](#); Exemption – [MD Crim Law Code Ann § 11-210](#); **MA**: Obscenity, Defenses – [MA Gen L ch 272 § 29](#); and [272 § 31](#); **MI**: Obscenity – [MI Comp L §§ 751.361 to 370](#); [752.365](#); Exemptions – [752.367](#); **MN**: Obscenity – [MN Stat § 617.293](#); and [617.294](#); Definitions – [617.292](#); Exemptions [617.295](#); **MS**: Morals & Decency – [MS Code §§ 97-29-101 to 97-29-109](#); Exemption – [97-101-107](#); **MO**: Promoting Obscenity – [MO Rev Stat § 573.020](#); No exemptions; **MT**: Obscenity, Minors – [MT Code § 45-8-201](#); and [45-8-206](#); Exemptions for school employees largely removed in 2023 by HB 234, which follows the growing trend to impose criminal penalties on school employees who disseminate “materials deemed harmful to minors”; **NE**: Obscenity to Minors – [NE Code §§ 28-807 et seq.](#); [28-808](#); Defenses – [28-815\(1\)](#); **NV**: Crimes, Obscenity – [NV Rev Stat §§ 201.015 et seq](#); Exemptions – [201.237](#); **NH**: [Obscenity – NH Rev Stat §§ 650:1 to 650:6](#); Exemptions – [650:4](#); **NJ**: Obscenity for Persons Under 18 – [NJ Rev Stat § 2C:34-3](#); No Exemption; **NM**: [NM Stat §§ 30-37-1 to 30-37-5](#); Exclusions, Defenses - [§ 30-37-5](#); **NY**: Obscenity to Minors – [NY Educ L § 235](#); Defense – [NY Educ L § 235.15\(1\)](#); **NC**: Harmful Material to Minors – [NC Gen Stat §§ 14-190.13 to 14-190.20](#); Defenses – [14-190.15\(c\)\(2\)](#); **ND**: Obscenity – [N.D.C.C. §§ 12.1-27.1](#); Exceptions – [12.1-27.1-11](#); **OH**: Obscenity, Defenses – [Ohio Rev Code § 2907.31 to 2907.31\(B\)](#); **OK**: Materials Harmful to Minors – [21 OK Stat § 1040.76](#); **OR**: Harmful Materials – [OR Rev Stat §§ 167.057 to .105](#); Defenses – [167.085\(2\)](#); **PA**: Obscenity – [18 PA Cons Stat § 5903](#); Exemptions – [5903\(j\)](#); **RI**: [RI Gen L § 11-31-10](#); Affirmative Defenses – [11-31-16](#); **SC**: Harmful Material to Minors, Exemption – [SC Code § 16-15-375 to 16-15385\(c\)\(2\)](#); **SD**: Obscenity – [SD Codified L §§ 22-24-27 to 22-24-30](#); Defenses – [22-24-31\(4\)](#); **TN**: Obscene Material to Minors, and Exceptions – [TN Code § 39-17-901 to 39-17-902\(e\)](#); **TX**: Obscenity, Harmful Material, Defenses – [TX Penal Code § 43.235](#); Defenses repealed September 2025 with SB 412; **UT**: Harmful Materials to Minors – [UT Code §§ 76-5c-105 to 76-5c-211](#); Defenses – [76-5c-109](#); [UT Code § 76-5c-211](#) – Making it a crime to deactivate a pornography device filter on a minor’s device); **VT**: Obscenity – [13 V.S.A. §§ 2801 - 2813](#); Presumption & Defense – [§ 2805](#); **VA**: Obscenity – [VA Code §§ 18.2-372 to 18.2-389](#); Exceptions to Crimes – [18.2-383](#); **WA**: Crimes, Obscenity – [WA Rev Code §§ 9.68.015 to 9.68.900](#); Exemptions – [WA Rev Code § 9.68.015](#); **WV**: Obscenity, Minors – [WV Code §§ 61-8A-1 to 61-8A-7](#); Exemptions – [61-8A-3](#); **WI**: Obscenity, Exemption – [WI Stat. § 994.21\(8\)\(b\)](#); **WY**: Obscenity, Exemption – [WY Stat. § 6-4-302](#).