



**DIOCESE OF SACRAMENTO**  
**Office of Family and Faith Formation**

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To: Clergy, Religious Educators, Parish Bulletin Editors

From: Steve Patton, Associate Director, Family and Respect Life Ministries

Date: August 12, 2019

Subject: Parental Opt Out Rights on Sexual Education

Hello everyone,

Please post this bulletin announcement as often as possible in the coming weeks and if possible please also include the attached two page flyer in your parish bulletins and websites. This is a critically important issue. A Spanish version will be forthcoming:

**Parental Opt Out Rights on Sexual Education** By California law, all parents and guardians have the right to examine the curriculum materials of any class his/her child will attend, including materials related to sexual education. If the parent or guardian determines that any of this material is unsuitable for their children they may “opt-out” their children from this education. For more information please go to:  
[https://www.cacatholic.org/sites/default/files/files/2019.08.02\\_ccc\\_public\\_school\\_parent\\_rights\\_responsibilities\\_sexual\\_health\\_education\\_final\\_flyer\\_2.pdf](https://www.cacatholic.org/sites/default/files/files/2019.08.02_ccc_public_school_parent_rights_responsibilities_sexual_health_education_final_flyer_2.pdf)

Thank you!

Steve Patton, M.A., J.D.  
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## Rights & Responsibilities of Parents/ Guardians of Children in Public Schools Regarding Sexual Health Education

Most of California's Catholic families with school-age children choose to enroll them in the state's public schools, rather than in Catholic or other private schools. Our public schools, which operate "in *Loco Parentis*," that is "in place of the parent," are staffed by talented and dedicated educators — many of whom are Catholics committed to the common good. Ideally, parents and teachers form a partnership to educate and develop good citizens.

In California, each school district is required to ensure that all pupils in grades 7 to 12 receive comprehensive sexual health education and HIV prevention education from instructors trained in the appropriate courses (Ed. Code §51934). However, many families are unfamiliar with the laws that govern their rights and responsibilities, as parents or guardians, to make decisions about such instruction of their children. This flyer gives general information about Catholic Church teachings on the blessed vocation of parents in educating their children. Additionally, it highlights the extent parents/guardians can legally oversee the sexual health education of their children.

**WHAT THE CHURCH TEACHES:** As Catholics, we believe that parents are the first and foremost educators of their children. The *Catholic Catechism* states that families are the "privileged community" where children grow in wisdom, stature, and grace (#2206-2209). Pope Francis has reaffirmed that the Catholic Church's view of parents as the primary educators of children, and schools – Catholic and non-Catholic – as partners in the educational process. Thus the Church counsels us to work with public authorities to ensure and protect parental rights. In the Holy Father's words, "Schools do not replace parents, but complement them."

*"Parents have the right to ensure that their children are not compelled to attend classes which are not in agreement with their own moral and religious convictions. In particular, sex education is a basic right of the parents and must always be carried out under their close supervision, whether at home or in educational centers chosen and controlled by them."*

*(Article V.c., Catholic Charter of the Rights of the Family)*

**WHAT THE LAW SAYS:** In 1925 the U. S. Supreme Court, in *Pierce v. Society of Sisters*, unanimously affirmed that parents have the right to "direct" their children's education (268 U.S. 510). California law on sexual health education states that it is the intent of the Legislature to respect the **RIGHTS** of parents/guardians to supervise their children's education on the subject of human sexuality. Furthermore, the Legislature recognizes parents and guardians have the ultimate **RESPONSIBILITY** for imparting values regarding human sexuality to their children. (Ed. Code §51937)

**RIGHTS OF PARENTS/GUARDIANS,** according to California law:

- ◆ A parent/guardian has the right to examine the curriculum materials of any class his/her child will attend, including materials related to comprehensive sexual health education. (Ed. Code §§51101, 51938)
- ◆ If any part of a school's instruction in health conflicts with the religious training and beliefs (including personal moral convictions) of the parent/guardian, that student shall be excused from the part of the instruction that is in conflict with the parent/guardian's religious training or beliefs. (Ed. Code §51240)
- ◆ In grades 1 through 12, a school may not administer a test or questionnaire/survey with questions about the personal beliefs or practices of the pupil (or their parents/guardians), on sex, family life, morality, and religion, unless the parent/guardian is notified in advance, in writing, and affirmatively gives written permission for the child to participate. (Ed Code §51513)
- ◆ A parent/ guardian of a pupil (in grades 7 through 12) has the right to excuse their child from all or any part of comprehensive sexual health education, HIV prevention education, and assessments related to that education. Prior to exercising this option parents/guardians also have the right to be notified about the planned instruction and the right to review those materials in advance of the instruction taking place (Ed Code §§51938, 51939). If a school district elects to provide sexual health education below grade 7 it should be age-appropriate and parental rights designated for grades 7-12 are in effect.



Based on these provisions, a parent/guardian may request that his or her child be excused from any class, assembly, presentation, discussion, project, survey, extracurricular activity or program presented by the school district and/or by its agents (as part of sexual health education instruction) that involves such matters as:

- ⇒ Family life education
- ⇒ AIDs or HIV education
- ⇒ Acquisition and/or use of birth control devices or drugs
- ⇒ Abortion
- ⇒ Gender identity and sexual orientation
- ⇒ Showing of R, NC-17 or X-rated films
- ⇒ Questionnaires, role playing, or other strategies to examine personal beliefs or practices of the student or the student's family member, on sex, family life, morality, and religion

Furthermore topics meant to be covered (by state standards) in comprehensive sexual health education, are not to be covered in other curricular areas. However if they are, then the parental rights mentioned above under the Education Code remain in effect.

### **RESPONSIBILITIES OF PARENTS/GUARDIANS**

By law, at the beginning of each school year, public schools send home many documents (Ed. Code §48980). Often in one of these documents, the school district will be giving notification that the school assumes the parent/guardian approves of all of the school's curriculum and activities.

In other words, if a parent or guardian disapproves of certain sexual health instruction for their children, they must notify the school. If the parent/guardian does nothing the school officials can and will assume approval of the school's entire program. (The only exception to this is the issue of tests or surveys regarding personal beliefs and practices on religion, sex, etc. – the school may not administer such tests unless the parent/guardian specifically “opts-in” in writing.) And to complicate matters, the language explaining the school's policy regarding “opt-in” and “opt-out” is typically written in *legalese* and can easily be overlooked or misunderstood by families.

*IN PLAIN WORDS*, therefore: Parents/guardians who object to certain sexual health education offered to their children must specifically request that they be excused, i.e., they must “opt-out,” or the school assumes that permission for the students to participate has been granted.

- In order to make that “specific request” a parent/guardian must complete an “opt-out” form. A standard “opt-out” form can be obtained from the school office or school district. Many also provide this document on-line. If none is provided, a parent/guardian may provide their own.
- A signed “opt-out” form must be submitted for each student and for each type of instructional activity from which that student is to be excused.
- An “opt-out” form for each student is only considered valid for the current school year-and must be resubmitted annually.
- No student can be punished because his/her parent/guardian opted the child out of any instruction.
- And as noted, all parents/guardians must be provided with copies of all tests, questionnaires, or surveys that inquire about students' or their parents' personal beliefs, family life, religion or sex practices, and must affirmatively “opt-in,” in writing, to permit such a test or questionnaire to be administered to his/her child.

**FOR FURTHER CONSIDERATION:** It is important that Catholic families be aware of the standard practices and policies of the California public schools their children attend regarding sexual health education and advocate for their parental **RIGHTS**. Because of the schools' standard “opt-in” policy, parents or guardians are **RESPONSIBLE** for asserting their right for information and their right to “opt-out” of certain objectionable instruction.

Catholic parents need to counsel their young people that an “opt-out” is available in topics of sexual health education and that addressing issues on human sexuality are best served by involving their parents/guardians.

If parents/guardians believe that their rights regarding the sexual health education of their children have been violated by a school, they can follow the Uniform Complaint Procedures (established by law) with the local school district. If it is believed that a district's policies/procedures regarding sexual health education are contrary with the law, then that matter can be appealed to the California Department of Education.

Additional information is available at <https://www.cacatholic.org/policies-issues/education/what-you-need-know-about-ca-healthy-youth-act>.



Website: [www.cacatholic.org](http://www.cacatholic.org)

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