

NOAH WEBSTER EDUCATIONAL FOUNDATION MODEL POLICY

TO: TBD

FROM: Noah Webster Educational Foundation

RE: Parent Opt-Outs and School Board Cooperation

DATE: TBD

This model policy seeks to align this school board's parental notification and opt-out practices with the U.S. Supreme Court's June 27, 2025, ruling in *Mahmoud v. Taylor*. The U.S. Supreme Court's decision in *Mahmoud v. Taylor* affirms parents' constitutional right to opt their children out of any school instruction or events that may conflict with their sincerely held religious beliefs.

Parent Opt-Outs and School Board Cooperation

AUTHORS:

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BACKGROUND: School Districts are required by federal law and judicial precedent to provide parents with notice of potentially sensitive or controversial topics and to allow parents to opt their student out of related instruction and events. This policy aims to encourage a more transparent and stronger parent-school board relationship regarding these sensitive topics and to respect family values. This model policy is being drafted in response to the June 27, 2025, U.S. Supreme Court ruling in *Mahmoud v. Taylor*.

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Subject: Parent Opt-Outs and School Board Cooperation

I. Description of Policy

In accordance with the ruling in the case of *Mahmoud v. Taylor* and other federal guidelines, this school board is implementing the following policy to outline the appropriate measures to be taken regarding parents' constitutional right to opt their student(s) out of school instruction and events that might conflict with their sincerely held religious beliefs. It outlines a framework for this school board to provide advance notification, how parents should submit an opt-out request, and how the school district should process and respond to parent opt-out requests.

- A. School boards should be proactive and transparent regarding potentially sensitive or controversial topics.
- B. School boards and parents should have a clear framework for submitting opt-out requests to promote transparency, efficiency, and mutual respect.

II. Defining the Terms of Potentially Sensitive or Controversial Topics

The following terms are defined as they will be used throughout this policy¹:

- A. Controversial - As defined by this policy, the term “controversial” includes anything subject to intense public argument, disagreement, or disapproval. It also includes any issues that may have political, social, or personal impacts on students and/or the community, as well as those likely to provoke both support and opposition.
- B. Gender Ideology and Pride-Themed Instruction or Events - Instructional content or school-sponsored activities (such as “Pride” celebrations) that present gender identity as fluid, socially constructed, or disconnected from biological sex, affirm nonbinary or transgender identities as objective truth, promote LGBTQ+ identities, or in any other form attempt to introduce and instruct students on sexual orientations/identities.
- C. Sex Education - Instruction or materials addressing human sexuality, sexual behavior, sexual orientation, or relationships in ways that encourage students to discuss or affirm such matters, particularly where such content is presented outside of a formal, age-appropriate health curriculum.
- D. Race Instruction - Instructional content or activities that treat individuals or racial groups differently based on race or ethnicity. This would include instruction or activities teaching that some races are privileged or disadvantaged because of their race; that America is an inherently racist country founded on racist principles; that individuals should experience guilt or discomfort because of their race; that different races have inherent or fixed traits or shared experiences because of their race; that racial groups should be treated “equitably” to make up for past discrimination; or that all racial disparities among groups are the result of past discrimination against those groups. These theories are contrary to our religious beliefs and human dignity and equality.

¹ All definitions were sourced from resources provided by the Wisconsin Institute for Law and Liberty; Wisconsin Institute for Law and Liberty, “Parent Opt Out Form,” Parents, n.d., <https://will-law.org/parents/>.

- E. Religious Rituals or Practices - Activities involving meditation, chanting, prayer, movement practices like yoga, whirling, or Tai Chi, spiritual practices, or participation in rituals from religions or belief systems not our own.
- F. Surveys and Questionnaires - Any student surveys, evaluations, or questionnaires—especially those addressing sexuality, mental health, family relationships, or religious beliefs—administered without prior parental review and consent, as protected under the Protection of Pupil Rights Amendment (PPRA).
- G. Mandated Use of Preferred Pronouns - Any policy that requires a child to use pronouns or affirm gender identities other than male or female based on biological sex.
- H. Gender Identity Policies - Any policies requiring or permitting school personnel to address a child using a name or pronouns inconsistent with a child’s biological sex.

III. Transparency and Parental Notification

This School District will provide advance notice of sensitive or controversial material before it is introduced, to give parents substantial opportunity to make informed decisions about their children’s education. The following topics and activities will require advance notice to parents.

- A. Any instruction or events hosted, endorsed, or implemented by the school that includes the categories listed in the definitions section of this policy. Topics include: Gender Ideology and Pride-Themed Instruction or Events, Race Instruction, and Religious Rituals or Practices.
- B. Any time a policy regarding the Mandated Use of Preferred Pronouns or any other Gender Identity Policy is implemented.
- C. Any time topics and activities protected under the Protection of Pupil’s Rights Amendment (PPRA) are introduced.²
- D. Any materials or presentations that are introduced by a guest speaker/presenter from outside of the district.
- E. Teacher-created materials that address sensitive or ideologically contested topics as noted above.
- F. Any topic a parent has identified in writing and has properly submitted to the school, demonstrating how that topic conflicts with sincerely held family religious beliefs and values.

² The eight protected categories under the [PPRA](#) are political affiliations and beliefs of students and parents, mental or psychological problems of students and parents, sex behaviors and attitudes of students and parents, illegal, anti-social, self-incriminating, or demeaning behavior, critical appraisals of other individuals with whom respondents have close family relationships, legally recognized privileges or analogous relationships (lawyers, physicians, ministers), religious practices, affiliations, or beliefs, income (other than that required by law to determine eligibility for participation in a program for receiving financial assistance under such programs). While the PPRA only requires that parents be notified of these eight categories when administering a survey, it is best practice to involve parents with these issues in all circumstances.

Along with these topics, parents will be permitted, upon request, the opportunity to review any instructional materials used in the education of their children in accordance with the Every Student Succeeds Act (ESSA). Such materials might include:

- A. Printed or digital materials, audio-visual content, vendor-created resources, teacher-developed content, content developed by and pertaining to artificial intelligence systems, and tests or assessments.
- B. Materials used in connection with surveys or evaluations as granted under the Pupils Protection Act.

IV. Opt-out Standards and Procedures

Opt-Out Rights Statement

Following the *Supreme Court's Mahmoud v. Taylor Decision*, the constitutional parental right to opt a student out of instruction or events based on familial religious beliefs has been formally recognized in federal judicial precedent. According to this precedent, when a parent raises an objection to school content, instruction, or events based on sincerely held religious beliefs, the district must do the following:

- A. Promptly and thoroughly review the request;
- B. Honor all parental opt-out requests submitted under this policy, unless the opt-out request is denied by the school board following strict scrutiny³; and
- C. Offer reasonable alternative assignments for the student that fulfill the educational objectives without burdening the family's religious beliefs and are free from punishment.

If district staff believe that there may be a legal basis to deny a particular request, the matter will be referred to the school board for a decision. A parent's opt-out request will not be denied without formal action taken by the school board.

Schools are not at liberty to grant or deny an opt-out request on the basis of agreement or disagreement with the parents' or family's beliefs. Schools will remain viewpoint-neutral and respectful of family beliefs and diversity.

Submitting an opt-out Request

Parents will submit a written formal opt-out request to their student's principal. The request should meet the following standards:

- A. Identify the content, activity, or course at issue.
- B. Include a concise description of the religious or moral basis for the request submission; and

³ Strict scrutiny in this policy refers to the type of scrutiny the Supreme Court ordered must be used when evaluating opt-out requests in their *Mahmoud v. Taylor* decision. Strict scrutiny is the highest form of scrutiny, meaning the school board must use the least restrictive means when determining whether the qualifications are met to override a parental opt-out request.

- C. Religious opt-out requests need only state that the instruction or event conflicts with the family's religious beliefs. The belief will not be subject to questioning.

When the recipient receives the request, they will promptly share a copy with the student's teacher to ensure the teacher is informed of the parents' request.

Parents should submit a written request, but if any school faculty or staff (such as a student's teacher) is the recipient of a verbal request, that faculty or staff member will follow up the verbal request with an email or other written communication explaining his or her understanding of the opt-out request, ensure the request is documented, and refer the parent to the appropriate process for a formal request to be submitted.

Review and Response

If district personnel believe that an opt-out request should be denied on a legal basis, then, as soon as possible, but no later than 10 days after receiving the request, the student's principal will notify the parents in writing that the request has been referred to the school board for review and an explanation of why this action is being taken.

The school board is then responsible for reviewing the opt-out request and the asserted reasons for denying it, and will decide whether the request may be denied.

The opt-out request will be honored unless and until the school board denies it. The opt-out request will be honored in its entirety until the school board makes a formal decision on the disputed request.

An opt-out request submitted during a lesson or unit will still be honored.

Alternative Instruction

When a student is excused from instruction upon receiving an opt-out request, the school will provide an alternative assignment or academic activity aligned with the same learning objectives, without penalty.

V. Communication and Enforcement

Annual Notice

The district will annually inform parents of their opt-out rights in the student handbook and on the district website, and may consider sending an annual parental notification at the beginning of each new school year.

The district will include a non-exhaustive list of areas commonly subject to opt-out, explain how parents can submit requests, and encourage parents to review the definitions of controversial or sensitive materials defined in this policy.

Enforcement and Records

The school will maintain records of approved opt-out requests. Teachers and staff will be fully informed about students who have opted out and will be expected to honor those requests.

Accountability for Violations

If a parent reports a failure to honor an approved opt-out, the district will request evidence of that failure and investigate the matter within five days of receiving the parent's report.

If there is evidence of repeated or intentional violations of a parent opt-out, the district will take appropriate disciplinary action against the faculty or staff member(s).