



Founding Freedoms  
LAW CENTER

**FAMILY LIFE EDUCATION OPT-OUT TIPS**

Because of the highly sexualized nature of some of the materials used in public school family life education (FLE) classes, parents should be familiar with the rights they have regarding this curriculum. For parents whose children attend public school, Virginia law provides parents a right to review the FLE materials being used.<sup>1</sup> Also, parents may opt their child out of some or all of the FLE program, if desired.<sup>2</sup> But sometimes difficulties arise with getting the school to honor a parent's opt-out decision. In some circumstances, schools might wrongfully attempt to deny the opt-out decision or might fail to effectuate the parent's decision even after expressing acceptance of the out-out form—claiming a mistake. To help mitigate potential difficulties in the opt-out process, parents should consider following these tips.

- 1) Your child's school should have its FLE materials available for review in the school library or office and through its online parent portal. Some school divisions also provide this material on their website. Since it may be updated from time-to-time, review this material in its entirety each year, so you can be informed when determining whether to opt your child out of the course.
- 2) If you intend to opt your child out of some or all of the FLE instruction, submit the opt-out paperwork at the earliest possible opportunity—months before the course occurs—and notify both the principal and the instructor in writing about your decision.
- 3) To avoid confusion about which days your child should and should not receive certain instruction, consider opting your child out of the entire FLE course rather than specifying only portions of the course you want your child to avoid.
- 4) If you opt your child out of portions of the FLE course only, and not the entire course, carefully monitor the progress of the FLE instruction so you know in advance the exact day for when opted-out material will be presented. Then, before those sections are taught, communicate again, in a writing to the principal and the instructor, your opt-out decision for those subjects.
- 5) Particularly if both parents disagree about whether their child should attend the FLE program, obtain early confirmation that the school indeed will honor your opt-out decision. As written, Virginia law gives each parent the independent right to exercise this opt-out option.<sup>3</sup> But, in case school leadership sides with the other parent, you will want ample time to involve legal counsel.
- 6) Far in advance of when the course, or portion of the course being opted out, is taught, personally inform the teacher about your opt-out decision or obtain confirmation that the teacher has been informed by school leadership.
- 7) If your child's school denies your right to opt out, seek legal counsel immediately.

For questions or concerns, contact [The Family Foundation](#) or the [Founding Freedoms Law Center](#).

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<sup>1</sup> Va. Code § 22.1-207.2.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* See also, Va. Code § 22.1-1 (clarifying that ordinarily “parents” means “any parent, guardian or other person having control or charge of a child.”) (emphasis added).