

POLICY BRIEF → Sex Ed & Parental Consent
Opt-In vs. Opt-Out

Overview

The classroom is one of the only places where young people can gain the information and skills they need to make healthy decisions about sex and sexuality—in a way that is structured, age-appropriate, and accurate. All young people have a right to receive an education that ensures their sexual health and wellbeing now and for the rest of their lives.

When discussing sex education in schools, it is important to understand laws regarding parental consent. These laws can include provisions that allow parents to **opt in** or **opt out** of sex education instruction for their children:

- Under an **opt-in** policy, teachers need written permission from a parent/guardian prior to a student attending a sex education class.
- **Opt-out** policies require school districts to send written notification to parents/guardians before sex education lessons are taught, including information on what is being taught and who will be teaching the class. However, it is the responsibility of parents/guardians to inform the school district in writing if they *do not* want their child to attend those lessons.

Most states and school districts currently rely on opt-out policies. These policies ensure that a larger number of young people receive the benefits of sex education. These include: receiving the tools needed to be able to make healthy decisions, learning how to communicate about boundaries, identifying healthy and unhealthy relationships, and understanding sex and sexuality in the context of today's society and culture. These skills have been shown to further benefit the lives of young people by improving academic success and reducing rates of unintended pregnancies and STIs.¹

Why Opt-In is Harmful

The overwhelming majority of people agree that parents and families should be a young person's first resource for sex education. However, not all young people have parents/guardians who are willing or able to have these necessary conversations. Regardless of the resources a young person does or does not have at home, many barriers remain that can easily restrict their access to quality sex education—and one example is **opt-in legislation**.

Opt-in policies create unnecessary hurdles that prevent students from accessing the sex education they have a right to receive. They are designed to make accessing sex education in schools more difficult, overlooking the fact that parents/guardians have a say under *both* opt-in and opt-out policies. For some young people, school-based sex education is their only opportunity to receive this vital information, and opt-in policies risk eliminating it completely. Furthermore, these policies go against the wishes of parents/guardians—as they, along with young people and the rest of the general public, overwhelmingly support access to sex education in schools.

Opt-In

Schools require written permission from a parent or guardian before a student can attend sex education class.

Opt-Out

Schools enroll all students in sex education class and allow parents or guardians to remove their children from instruction without penalty.

¹ Future of Sex Education. [National Sexuality Education Standards](#). 2012. Journal of School Health

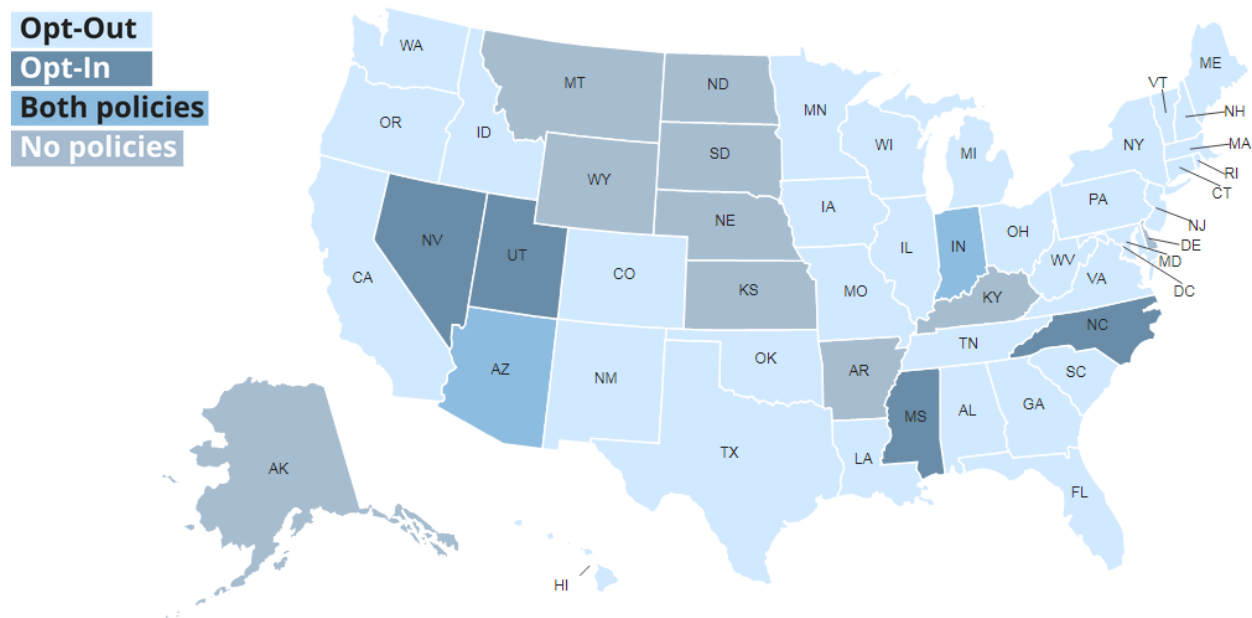
Parental Consent Policies in the States

Most states have policies regarding parental consent for sex education, with the majority favoring opt-out.

In total, 34 states + DC provide an opt-out policy, while just four (Nevada, Utah, North Carolina, and Mississippi) provide an opt-in policy. Two states have a combination of both, while ten states have no policy regarding parental consent.² Thirty-two states require sex education materials to be available for parental review.

The map below indicates which states currently have policies regarding opt-in or opt-out provisions.³

- **34 states + DC: Opt-Out**
- **4 states: Opt-In**
- **2 states: Both Opt-In & Opt-Out**
- **10 states: No Opt-In or Opt-Out**
- **32 states: require materials be available for review**



Talking Points

- Opt-in policies create unnecessary hurdles that prevent students from accessing the sex education they have a right to receive.
- Opt-out provisions give parents/guardians control over their child's education by granting them the option to have their child excused from any sex education requirements within a public school's curriculum.
- For some young people, school-based sex education is their only opportunity to receive this vital information. Opt-in policies risk eliminating their education completely.
- Parents/guardians have access to sex education content under both opt-in and opt-out policies.
- Overwhelmingly, parents support sex education in schools.

² Arizona provides for an opt-out provision regarding HIV/STI education but requires an opt-in regarding sex education. Indiana requires schools to make two attempts to receive written permission for student participation in sex education. If there is no response from parents after two weeks, students are automatically enrolled. Parents may subsequently withdraw students from instruction.

³ States indicated as having opt-out policies are noted as such if the policy covers HIV and/or sex education.