

OPT IN FOR SEX EDUCATION AND ABUSE PREVENTION

Texas parents and guardians now must provide written consent to opt their children into instruction on human sexuality and the prevention of child abuse, family violence, dating violence, and sex trafficking. Texas is one of just five states in the nation with this requirement for sex education, and the *only* state with this requirement for abuse prevention instruction.

Statutory Requirements

Following the passage of HB 1525 in the 87th regular legislative session and SB 9 in the second special session, parents or guardians must provide written consent in order for their children to be able to participate in instruction on human sexuality and the prevention of child abuse, family violence, dating violence, and sex trafficking.

Under new Texas law:

- Permission forms must be sent out at least 14 days prior to instruction.
- Permission forms may not be sent out with any forms or notifications other than the required parent notification for sex education OR abuse prevention instruction.
- Under state law, the consent form for human sexuality instruction and the consent form for instruction on prevention of child abuse, family violence, dating violence, and sex trafficking may not be sent together. The new law does not consider the fact that many districts include abuse prevention as part of sex education.
- Forms must be sent out for instruction on human sexuality instruction, which state law defines as including "instruction in reproductive health."
- Parents maintain the right to opt children out of specific portions of sex education or abuse prevention instruction.

An opt-in letter template is available for download on the iCHAMPSS website.

Somewhere in that backpack, there's a sex education permission slip.



Texas Ready

Concerns about opt-in

Texas parents have long had the right to opt children out of any portion of human sexuality instruction without penalty. Districts voluntarily using opt-in procedures report very high levels of participation, as public opinion polling shows that a majority of parents support sex education for their children. However, some children may slip through the cracks.

Disengaged, absent, or simply busy parents may miss forms at the bottom of a backpack or email inbox, causing their child to miss out on crucial instruction.

In the case of child abuse, family violence, or sex trafficking, a child may be abused or sexually exploited by their parents or guardians. In this case, the child is unlikely to receive permission from their abuser to learn about child abuse.

Best Practices for Districts

- Offer as much communication as possible to parents and guardians, such as parent nights to walk through health education curriculum, and answer all questions. Transparency and openness will help parents understand curricula.
- Ensure you leave plenty of time for parents to return forms. While 14 days is required by law, consider allowing even more time to make sure you have time to resend forms as needed.
- In order to track non-responders, make sure forms include boxes for "I give consent" and "I do not give consent." This will allow you to see which students are falling through the cracks.

Statutory Citations

Opt in provisions are located in Chapter 28 of the Texas Education Code:

- Human Sexuality instruction: TEC §28.004 (i-2), amended by 87-R HB 1525
- Abuse prevention instruction: TEC §28.004 (q-6), amended by 87-2 SB 9.