



MASSACHUSETTS FAMILY INSTITUTE

Dedicated to Strengthening the Family

KNOW YOUR RIGHTS:

Responding to Graphic Sex Education and LGBTQ Content in Massachusetts Public Schools

As the parent of a child in a Massachusetts primary or secondary public school, you have the right to:

- 1 Opt your child out of sex education or educational materials that cover human sexuality issues.** This includes any courses, school assemblies, or other instructional activities and programs that focus on human sexual education or sexuality issues that would otherwise be mandatory. It does not apply to voluntary activities like clubs or checking out library books that are not required for a course. It also likely does not apply to LGBTQ content that is not sexually explicit (for example, a book about a family with gay parents, a transgender story book, or a safe schools / anti-bullying presentation that discusses LGBT orientations and identities).¹ Visit mafamilly.org/sexed for sample opt-out forms.
- 2 Review your child's sex education curriculum or other educational materials covering human sexuality issues.**²
- 3 Be notified before sex education or human sexuality issues are taught to your child.**³
- 4 Opt your child out of surveys that ask them about their sexual conduct, sexual orientation, gender identity, drug use, mental health issues, illegal or anti-social behavior, and other sensitive topics.**⁴ Visit mafamilly.org/sexed for sample opt-out forms.
- 5 Review any survey that asks your child about the topics listed above.**⁵
- 6 Be notified before your child is asked to participate in any survey covering the topics listed above.**⁶

In addition, your child has a First Amendment right to free speech. Although there is no case law yet on whether a school can force a child to use "preferred pronouns" or titles for a fellow student or teacher, courts have generally held that public schools cannot compel students to speak a message that they do not believe.⁷

If your child's school is forcing them to participate in graphic sex ed, requiring intrusive surveys, or demanding that they affirm radical gender ideology, we want to know. Please email us at info@mafamilly.org or call us at 781-569-0400.

Finally, although there is no Massachusetts law that gives parents a right to opt children out of all LGBT-related content, parents are still encouraged to request a broader accommodation excusing their children from any lessons or activities that contain depictions or discussions pertaining to LGBTQIA+. Visit mafamilly.org/sexed for a sample accommodation request.

Disclaimer: This information is for general informational purposes only. It is not legal advice and does not create an attorney-client relationship between the reader and Massachusetts Family Institute.

Sources and Notes

¹ M.G.L. ch. 71 s. 32A; Department of Education Advisory Opinion, April 7, 1997. According to the Massachusetts Department of Education, the sex ed opt-out statute does not apply to educational materials designed to "promote tolerance," including LGBTQ materials, if those materials are presented "without further instruction or discussion of the physical and sexual implications of homosexuality." *Parker v. Hurley*, 514 F.3d 87, 92 n. 2 (Mass. 2008).

² M.G.L. ch. 71 s. 32A; Department of Education Advisory Opinion, April 7, 1997.

³ M.G.L. ch. 71 s. 32A; Department of Education Advisory Opinion, April 7, 1997.

⁴ PPRA, 20 U.S.C. § 1232h.

⁵ PPRA, 20 U.S.C. § 1232h.

⁶ PPRA, 20 U.S.C. § 1232h.

⁷ *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943).