# REGULATION GUIDE



**[See POLICY ALERT No. 238]**

R 2422.02 PARENTAL OPT-OUT FROM CERTAIN INSTRUCTION

Any parental opt-out request, in accordance with N.J.S.A. 18A:35-4.7., shall follow the provisions outlined in Policy 2422.02 and this Regulation.

A. Access to Approved Curriculum Pacing Guides

1. All approved curriculum pacing guides and citations for core instructional materials shall be posted in a conspicuous location on the school district website.

2. In the event a parent does not have access to the district website, the parent may request a copy of any approved curriculum pacing guide from the Principal or designee of the school building their child attends.

B. Signed Written Statement From Parent Requesting Opt-Out

1. A parent of a child enrolled in a school in the district shall submit a signed written statement to the Principal of the school requesting their child be excused from any part of the instruction in health, family life education, or sex education that is in conflict with the parent's conscience or sincerely held moral or religious beliefs.

   a. The signed written statement shall indicate the specific part of the health, family life education, or sex education course that is in conflict with their conscience, or sincerely held moral or religious beliefs.

   b. The signed written statement shall include the date the signed written statement was submitted to the Principal.

   c. A parent of a child enrolled in a school in the district shall submit the signed written statement no later than TBA/10 calendar days prior to the date on the pacing guide the instruction in question is scheduled to be taught.

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(1) In the event the instruction is scheduled to be taught within the first thirty days of the commencement of the school year, the signed written statement shall be submitted as soon as practicable.

(a) When a signed written statement is submitted in accordance with B.1.c.(1) above, then procedures outlined in C. through G. below shall be appropriately expedited.

2. The Principal or designee shall submit the signed written statement and any additional supporting documentation to the Superintendent or designee.

C. Superintendent or Designee's Review of the Signed Written Statement

1. The Superintendent or designee shall review the signed written statement and any supporting documentation.

2. The Superintendent or designee may request the Principal or designee obtain additional information from the parent.

3. The Superintendent or designee may:

a. Approve the parental opt-out request and inform the Principal or designee and the parent of the approval; or

b. Deny the parental opt-out request and inform the Principal or designee and the parent, in writing, the request has been denied with the reason(s) for the denial.

D. Appeal of Superintendent or Designee's Denial

1. A request that has been denied by the Superintendent or designee may be appealed by the parent to the Board of Education.

a. The parent shall, within five calendar days of the receipt of the Superintendent or designee's written denial, submit a written request with supporting documentation to the School Business Administrator/Board Secretary for an informal hearing before the Board. The parent's request, along with the Superintendent or designee's written denial, shall be provided to the Board.

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2. The Board, at its discretion, will decide whether to grant or deny the parent's request for an informal hearing and provide their decision in writing to the parent within five calendar days upon receiving the request for an informal hearing.

   a. If the Board denies the request for an informal hearing, the Board shall render a decision on the appeal and provide the decision in writing to the parent within five calendar days after providing the parent their decision in writing to deny the request for an informal hearing.

   b. If the Board grants the request for an informal hearing, the Board shall schedule the informal hearing in executive session within ten calendar days upon receiving the request for an informal hearing. At the conclusion of the informal hearing, the Board shall render a decision and provide the decision in writing to the parent within five calendar days at the conclusion of the informal hearing.

      (1) The Board may designate a committee of the Board to conduct an informal hearing with the parent and any decision by the committee shall be ratified by the full Board.

3. Reasonable efforts will be made to expedite time sensitive appeals.

4. A decision by the Board may be appealed to the Commissioner of Education in accordance with N.J.A.C. 6A:3.

E. Implementation of the Approved Opt-Out Request

1. The Principal or designee will meet with the appropriate teaching staff member who will be providing the instruction.

   a. The Principal or designee and teaching staff member shall review the request and determine estimated dates and times when the specific part of instruction is scheduled to be covered.

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2. The parent will be informed, in writing by the Principal or designee, of:

   a. The estimated dates and times such instruction will be provided;

   b. A procedure that will be used for the student to be removed from the part of the instruction or portion(s) of the course from which the parent has requested their child be excused; and

   c. Any alternative instructional work to be provided to the student.

3. The parent will be required to approve, in writing, the procedure to be used for removing the student from the part of the instruction or portion(s) of the course and any alternative instructional work to be provided to the student.

   a. Failure by the parent to respond will be treated as approval of the removal procedure and alternative instructional work.

4. The Principal or designee shall inform the parent at least ten school days before the instruction will be provided.

5. The Principal or designee shall ensure the student is supervised by a school staff member when removed from the instruction until the student's return to the class.

Adopted:

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