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Intro to Texas Opt-In Requirements

Opt-In 101

Chances are you've heard of recent statutory changes involving parental consent processes for sexual education and abuse prevention, but you may not be clear as to what these changes are or how they impact your district. Let's take a look at a few common questions regarding Texas's Opt-In policy for sexual education and abuse prevention.

What are the differences between Opt-In and Opt-Out Approaches?

As of the 2021-2022 school year, Texas implemented an opt-in parental consent policy. How is this different from an opt-out approach?

- ▶ With an **opt-in policy**, the parent or guardian has to **provide written permission** to enroll their child in the curriculum by signing and returning a form to the school. Without the returned permission form, the child will not participate in the class.
- ▶ With an **opt-out policy**, a notification is sent home for all students, and parents only return the signed form if they **do not** want their child to participate in the curriculum. If the form is not returned, the child remains in the class.

Recommended iCHAMPSS tools: [Finding Policies and Programs](#)

What Exactly Are the Texas Statutory Requirements for Parental Consent?

Under Texas law¹, parents or guardians must provide **written consent** (i.e., opt-in) 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.

Additional requirements, under law, include that:

- ▶ 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.



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- ▶ Consent forms for instruction on prevention of child abuse, family violence, dating violence, and sex trafficking **may not be sent together**, even if these elements are included within the same curriculum.
- ▶ Forms must be sent out for instruction on human sexuality instruction, which state law defines as including "instruction in reproductive health."

Recommended iCHAMPSS tools: *Understanding Texas Laws, Opt-In & Opt-Out Forms, Notification Letter to Parents*

What Best Practices Can My District Employ for Obtaining Consent Under the Current Policy?

There are steps that your district can take to maximize parental response rates, such as:

- ▶ Offering as much communication as possible to parents and guardians, such as arranging parent nights to walk through health education curriculum and answer all questions. Transparency and openness will help parents understand curricula.
- ▶ Ensuring that 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.
- ▶ Making sure that forms include boxes for "I give consent" and "I do not give consent." This will allow you to see how many parents are actively withholding consent, and how many are non-responders. See the iCHAMPSS *Opt-In & Opt-Out Form* for a free permission slip template.

Recommended iCHAMPSS tools: *Success in Prepare, Communicating Effectively*

Information presented here is adapted from Texas Is Ready. (2022). Opt-In Requirements for Sex Education and Abuse Prevention. Retrieved March 17, 2022 from

https://www.texasisready.org/_files/ugd/fae15f_81b72d6d7eba412d8bbaeeeb1a47453f.pdf.

¹ Texas Education Code Sec. § 28.004. Local School Health Advisory Council and Health Education Instruction. Retrieved from: <http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.28.htm#28.004>; Texas Education Code Section § 26.011. Parental Rights and Responsibilities. Retrieved from: <http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.26.htm>