

I am writing about the classes being offered by the school on sex education and on the prevention of sexually transmitted infections and diseases, including HIV/AIDS.

I am aware of my legal rights as a parent when it comes to these kinds of classes. New York State Education Law 3204(5) states that students may opt out of health and hygiene classes if they conflict with the religion of their parents or guardians. New York State law also states that students shall not be required to receive instruction concerning the methods of prevention of AIDS if the parent of legal guardian of such pupil has filed with the principal of the school which the pupil attends a written request that the pupil not participate in such instruction, with an assurance that the pupil will receive such instruction at home. (8 NYCRR §135(c)(2)(i))

I would also call your attention to the law regarding condom distribution and availability policies. It is unlawful under New York law to make condoms available to students without parental consent, or without notice to parents that gives them the ability to opt out. See Alfonso v. Fernandez, 195 A.D.2d 46 (2nd Dept., 1993) (applying Public Health Law §2504). In addition, condoms may not be made freely available to students, and personnel who are not health educators or health professionals may not participate in condom distribution. (8 NYCRR §135(c)(2)(ii)).

According to my rights as a parent under New York State law, I hereby express my desire that my child be excused from any participation in sex education classes and HIV/AIDS instruction, since these classes will conflict with my religious beliefs. I assure you that my child will receive appropriate instruction on these subjects at home. I do not consent to my child receiving any instruction on these subjects in after-school programs conducted by school personnel, by any outside organization, or by other students or minors. I do not consent to my child's participation in any condom availability program, and I object to condoms being made freely available to my child under any circumstances.