

# Catechetical Office



September 13, 2011

Dear Parent and Guardian,

As Director of the Archdiocesan Catechetical Office, which has the responsibility of overseeing all parish religious education programs and of providing training and resources to the directors, coordinators and catechists in your parish, I am writing today to express my deep concern regarding the recent decision by the City of New York to mandate sex education classes for all middle school and high school students enrolled in the public schools.

I encourage you, as the first and primary catechist of your children, to prayerfully consider exercising your parental right to opt out and to remove your child/children from these classes, which do not reflect the Catholic understanding of the gift and moral dimensions of human sexuality and certainly *do not* respect the dignity of each human being.

I want also to remind you that in accordance with the New York Archdiocesan *Guidelines for Catechesis, Grades Seven and Eight*, your parish religious education *does* present Catholic Christian teaching on human sexuality in an age-sensitive manner, beginning with the seventh grade curriculum. Your child's catechist has a copy of these *Guidelines* and they also are available to you on the Resources menu of our Archdiocesan Catechetical Office website, [www.nyfaithformation.org](http://www.nyfaithformation.org). You may access them directly at this address: <http://www.nyfaithformation.org/resources/index.cfm?c=1378>. I urge you to read them.

The Archdiocesan Catechetical Office also coordinates two youth congresses each year, one for seventh and eighth graders and the other for high school youth. Chastity is the single theme for the seventh and eighth grade congress every other year and the topic is always addressed with workshops in the high school event. In addition, beginning this Fall, through our parish religious education programs and in collaboration with the Family Life/Respect Life Office, there will be new workshops on Chastity offered for our youth. Be assured that my staff and I are always available to assist religious education leaders, catechists and youth ministers with any questions they or you may have.

In addition, resources have been developed to give you an overview of your legal rights along with sample letters you can send to your child's principal to have your child excused from the sex education classes. These are attached to this letter, and can be downloaded from the Catechetical Office website, listed above. These documents and other useful resources for parents can also be found on the website of the Archdiocesan Family Life/Respect Life Office, <http://www.flrl.org/ChastityParents.htm>.

How and when your child learns about human sexuality should be in your hands. Please exercise the responsibility God placed upon you when God gave you your children. Please enable your children to have the Catholic understanding and values regarding human sexuality, so that they might grow up respecting their own human dignity and that of others, and eventually raise their own children to do likewise.

Sincerely,

Sr. Joan Curtin, CND  
Archdiocesan Director

## **Parents' Rights Under the Law**

### **Parents have the right to oversee the education of their children.**

- Courts have long recognized the freedom of parents to direct and control the education and upbringing of their children. Pierce v. Society of Sisters, 268 U.S. 510 (1925).
- New York Courts have deemed this right to be “fundamental”; any intrusion upon this right requires that the state establish an “overriding necessity” (Alfonso v. Fernandez, 195 A.D.2d 46 (2<sup>nd</sup> Dept., 1993)).
- Federal law (20 USC §1232h) guarantees that parents have the right to inspect all instructional materials being used in the classroom.

### **Parents have the right to protect their children from offensive subjects.**

- New York State's Education Law §3204(5) states that students may opt out of health and hygiene classes -- including sex education -- if they conflict with the religion of their parents or guardians. The law requires that this conflict "must be certified by a proper representative of their religion", such as a pastor or minister.
- The New York State Code of Rules and Regulations ("NYCRR") that govern health education also contain provisions that protect parents and children:
  - No pupil shall be required to receive instruction concerning the methods of prevention of AIDS if the parent or 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 §135.3(c)(2)(i).
  - Condoms may not be made generally available to students. Any condom availability policies must:
    - be submitted to the school district's AIDS advisory council for recommendations;
    - make condoms available only to students who participate in AIDS education;
    - provide each student who receives condoms with accurate and complete personal health guidance; and
    - assure that such guidance is provided by "health service personnel or school personnel trained and supervised by competent health professionals or health educators"
    - These requirements can be found in 8 NYCRR §135.3(c)(2)(ii)
- Schools may not make condoms available to their students without prior parental consent or after notice to parents that gives them the ability to opt out. Alfonso v. Fernandez, 195 A.D.2d 46 (2<sup>nd</sup> Dept., 1993) (applying the parental consent provisions of New York Public Health Law §2504).

## **SAMPLE LETTER FOR CHILD/YOUTH TO BE EXCUSED**

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 (2<sup>nd</sup> 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.