

Instruction

Complaints About Curriculum, Instructional Materials, and Programs

Parents/guardians have the right to inspect any instructional material used as part of their child's educational curriculum pursuant to School Board policy 7:15, *Student and Family Privacy Rights*.¹

Parents/guardians, employees, and community members who believe that curriculum, instructional materials, or programs violate rights guaranteed by any law or Board policy may file a complaint using Board policy 2:260, *Uniform Grievance Procedure*.²

Parents/guardians, employees, and community members with other suggestions or complaints about curriculum, instructional materials, or programs should complete a *Curriculum Objection Form*. A parent/guardian may request that his/her child be exempt from using a particular instructional material or program by completing a *Curriculum Objection Form*. The Superintendent or designee shall establish criteria for the review of objections and inform the parent/guardian, employee, or community member, as applicable, of the District's decision.³

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ 20 U.S.C. §1232h(c)(1)(C)(i).

² Limiting the scope of complainants in this policy to parents/guardians, employees, and community members aligns with sample policy 2:260, *Uniform Grievance Procedure*.

³ The last sentence of this paragraph is optional. It strengthens the policy's connection to IASB's *Foundational Principles of Effective Governance*. See www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance. For criteria that can be used in reviewing curriculum objections, see sample administrative procedure, 6:260-AP, *Responding to Complaints About Curriculum, Instructional Materials, and Programs*.

A school district is not required to automatically accommodate a ~~student's or his/her~~ parent's² religious beliefs by allowing the ~~parent student~~ to opt ~~their child~~ out of reading required materials or programs. ~~A student is entitled to~~ A accommodation is required only if a district's requirement burdens ~~his/her~~ the parent's free exercise of religion and the requirement is not justified by a compelling state interest. Mahmoud v. Taylor, 145 S.Ct. 2332 (2025). Instruction will burden parents' religious free exercise rights if it requires their children to submit to instruction "that poses 'a very real threat of undermining' the religious beliefs and practices that the parents wish to instill." Id. at 2342. Whether the instruction substantially interferes with the religious upbringing of a child is a fact-intensive inquiry. Relevant factors to consider include: (1) the specific religious beliefs/practices asserted, (2) the nature of the educational requirement or curriculum at issue, (3) the age of the students, and (4) whether the materials at issue are presented in a neutral manner or in a way that is hostile to religious viewpoints. Id. at 2353. In Mahmoud, the Court ruled that the district likely violated parents' free exercise rights when it refused to give notice and allow them to opt their elementary-age children out of literacy instruction that involved the use of LGBTQ+- inclusive storybooks. The Court found the books at issue contained normative messages to which young children were particularly susceptible. Moreover, the district's refusal to give notice and allow opt-outs based on administrative burden (where it previously provided notice and the ability to opt-out) was not a compelling enough a reason to justify the burden on the parents' religious exercise. Mozert v. Hawkins Co. Bd. of Educ., 827 F.2d 1058 (6th Cir. 1987). A student's free exercise right would unlikely be burdened by compelling the student to be exposed to ideas with which his/her religion disagrees. See Fleischfresser v. Directors of Sch. Dist. 200, 15 F.3d 680 (7th Cir. 1994). On the other hand, compelling a student to perform an act that violates the student's religious beliefs would burden his/her free exercise right, and the school district would need to justify the requirement with a compelling state interest in order to be able to enforce it. Unless otherwise required by law, it is unclear from Mahmoud whether a district would ever need to give advance notice to all parents/guardians of the use of certain curriculum or instructional materials that could trigger religious objections. Doing so could present discrimination concerns. Given the many unsettled legal issues in this area and the fact-dependent nature of the analysis involved, boards should consult with the board attorney regarding any curriculum objections.

LEGAL REF.: 20 U.S.C. §1232h, Protection of Pupil Rights Amendment.
[Mahmoud v. Taylor, 145 S.Ct. 2332 \(2025\).](#)

CROSS REF.: 2:260 (Uniform Grievance Procedure), 7:15 (Student and Family Privacy Rights),
8:110 (Public Suggestions and Concerns)

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