

Principal
Insert school details
Insert Date

Dear **(insert Principal's name)**

Re: Exercising Right To Opt Out of SPHE 2023/2024

I write further to my written notification dated **(insert date)** exercising my statutory right under Section 30(2)(e) of the Education Act 1998 ('The Act') to opt out my **son/daughter (insert name, date of birth, year)** from SPHE instruction, as it is contrary to my conscience.

Unfortunately, the school has failed to respect my statutory right to opt out under the Act, as it has failed to facilitate alternative instruction or supervision for my son/daughter during the SPHE instruction classes. I am therefore placing you on formal notice that the school is in contravention of the Act and Articles 42.1 and 42.2 of the Constitution.

Section 30(2)(e) of the Education Act, 1998 provides that the Minister shall not:

"...require any student to attend instruction in any subject which is contrary to the conscience of the parent of the student or in the case of a student who has reached the age of 18 years, the student"

Additionally, section 30(4) of the Education Act 1998 provides:

"A school may subject to the requirement that the curriculum as determined by the Minister is taught in that school, provide courses of instruction in such other subjects as the board considers appropriate".

It follows that the school therefore is authorised under s30(4) of the Act to provide alternative tuition to pupils who do not attend SPHE instruction on the grounds of conscience. At the very least, it is the statutory duty of the school to provide supervision of the pupil in an alternative classroom or library setting during SPHE instruction class. Requiring pupils to attend SPHE, without facilitating opt out, is contrary to the Act and to a child's rights. It is noteworthy that the statutory right to opt out is not dependant on the adequacy of a school's funding to provide alternative tuition or supervision. The statutory right must therefore be respected, regardless of funding.

Article 42.1 of the Irish Constitution establishes the family as the primary educator. Article 42.2 allows parents to provide their child's education in inter alia schools recognised or established by the State. The Constitution, therefore, envisages that parents may educate their children by sending their children to schools funded by the State. Where parents elect to do so, the schools act in loco parentis.

Accordingly, it follows that the right to opt out under the Act and Article 42.1 and 2 of the Constitution encompasses tuition in another subject or, at the very least, supervised study in the library or other classroom setting. To suggest that the pupil sits at the back of the SPHE class or leaves school whilst the subject is being taught does not protect or uphold the right to opt out from instruction. In addition, a child has the statutory right to no

reduction in the school day and a requirement to leave school during SPHE instruction is a clear violation of this right.

I trust that you are aware that in the UK parents have recently issued a class action against the Department of Education for failing to act on the foreseeable harms of exposing children to inappropriate curriculum material on gender identity ideology. By requiring my son/daughter to sit at the back of the classroom during SPHE instruction the school is not only acting contrary to my conscience but is also exposing him/her to the foreseeable harm of instruction on gender identity ideology.

I have clearly exercised my statutory right to opt my **son/daughter** out of SPHE instruction and the school is, therefore, duty bound to provide tuition in another subject or, at the very least, supervised study.

I look forward to hearing from you urgently in relation to this matter. If arrangements are not put in place to accommodate my son/daughter during SPHE instruction I will have no other option but to take further action as necessary, to protect my child's spiritual, emotional, educational, and physical welfare as is my duty as parent/guardian.

Sincerely,

(Insert Full Name)

Signed:
