**West Virginia Parent and Student Opt-Out Notice**

Please take notice that pursuant to West Virginia Compiled Laws §WVC 18-2-9 (c), §WVC 16-3-4 (h), WVBE Rules §126-51-8, and 20 U.S.C. § 1232(h), my child is to be excused and exempted for the current school year (see request date below) from the following school instruction and/or activities. This opt-out applies to all checked boxes below:

* **Private Information** – Pursuant to 20 U.S.C. § 1232(h), absent my written consent, none of the following may be undertaken regarding my child. The administration of any survey, analysis or evaluation that reveals:

(1) political affiliations or beliefs of my child or me, (2) mental or psychological problems of my child or his or her family, (3) sexual behavior or attitudes, (4) illegal, anti-social, self-incriminating, or demeaning behavior, (5) critical appraisals of other individuals with whom respondents have close family relationships,

(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers, (7) religious practices, affiliations, or beliefs of my child or me, or (8) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.)

* **Immunization** – West Virginia’s statutes do not expressly allow for non-medical or religious exemptions to the compulsory vaccination requirement yet, only medical exemptions according to W. Va. Code, § 16-3-4 (h)(1). However, Governor Morrisey issued EXECUTIVE ORDER NO. 7-25 to comply with West Virginia’s new Equal Protection for Religion Act, W. Va. Code, § 35-1A-1, which included the creation of a new state email address for parents to request religious exemptions from the state. I can attest as the parent of the child named below; we emailed [VaccineExemption@wv.gov](mailto:VaccineExemption@wv.gov) as instructed in the EO and received a letter from the Bureau for Public Health granting a religious exemption, which is being included with this form. We are requesting the school comply with the attached religious exemption granted by a state agency. In the alternative, I am including my medical exemption letter from my child’s physician.
* Link to the EO: <https://apps.sos.wv.gov/adlaw/executivejournal/readpdf.aspx?DocID=97525>
* Link to Governor Morrisey’s letter: <https://mcusercontent.com/a5c044ed726385e6f9e799721/files/b54ac97e-1b5f-1491-3dc9-fb91bec37a87/2025_05_09_Guidance_from_Governor_Morrisey.pdf>
* **STD Education** – Pursuant to §WVC 18-2-9 (c), this serves as notice that my child is to be exempted from participation in health instruction related to sexually transmitted diseases.
* **Content and Instruction Conflicting with Religious Views** – West Virginia banned government mandated instruction in sexual orientation and gender identity with the passage of W. Va. Code, § 18-5-29 (b), however, I request my child be exempt from any voluntary instruction or optional materials in any form including videos, library books, books or items in the classroom, etc. designed to promote LGBTQ ideology that promotes, discusses or recognizes sexual lifestyles other than as belonging in marriage, any teachings that marriage is not limited to one man and one woman, or that promotes, discusses or recognizes any gender identity other than that which is synonymous with the biology of one’s sex at birth. (See *Mahmoud v. Taylor*, 606 U. S. 17, 25 (2025).
* **Other requests for opt-out based on sincerely held religious beliefs:**

Keep this signed, written notice and any accompanying documents for immunization exemptions on file in my child’s cumulative folder. This notice supersedes all prior Opt-Out notices.

Child’s Name Grade Level Date

Parent/Guardian’s Name(s)

Parent/Guardians(s) Address

Parent/Guardian’s Signature(s)

Daytime/Evening Phone Number(s)

School Name School District

Received by (Print Name)

Received by (Signature) Date Received

**Instructions and Information on Using the West Virginia Parent and Student Opt-Out Notice**

**What to Do**

**THE OPT-OUT NOTICE MUST BE SUBMITTED EVERY YEAR**

Note: These instructions are designed to assist you as a parent in completing the foregoing notice. These instructions should not be given to the school.

**Disclaimer**: This form should not be construed as legal advice and should you need legal assistance, please fill out a contact form on PJI’s website to submit an inquiry to be reviewed by a licensed attorney. Some of these issues may be affected by ongoing litigation at the state or federal level. This sample is for general purposes and your county or school may have its own form in addition to this that they might wish to have filled out.

1. Make copies and share this West Virginia Parent and Student Opt-Out Notice with other parents.
2. This notice allows you to check each box that applies to your concerns. You can check all of the boxes, only one box, or a few boxes, depending on your particular beliefs.
3. Make two copies of the completed notice. Then, sign and date each copy in ink.
4. Send the Opt-Out Notice to the school Principal by Certified Mail, email, fax, or any other method whereby delivery can be confirmed. You do not need nor are you asking for “agreement” or “authorization.” You only need proof that you delivered the Opt-Out Notice to the school.
5. Keep one copy (with the proof of receipt) for your family and ask that the school keep a copy in your child’s school records (The cumulative file). Keep a signed copy for yourself.
6. Educate your children to report to you attempts to compel them to participate in classes or activities for which you have requested them to be opted-out.
7. Resubmit a copy of this Opt-Out Notice for each child when you enroll them for the next school year.

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