



ATTORNEY GENERAL OF MISSOURI

ANDREW BAILEY

January 29, 2024

Dr. John Simpson
Superintendent of Schools
400 E. Lockwood Avenue
Webster Groves, MO 63119
Sent via email to: simpson.john@wgmail.org

Dear Dr. John Simpson:

My office has received reports that Webster Groves School District has provided materials related to human sexuality to students without notifying parents in advance, without providing a clear opportunity for parents to opt-out their child, and in some instances refusing to honor parents' opt-out decisions. Specifically, Webster Groves showed students a video presentation that discussed gender identity and sexual orientation and instructed students to follow a link to a third-party website affiliated with Planned Parenthood containing information on human sexuality topics including abortion, gender identity, and sexual orientation.

Missouri law requires every school district and charter school to notify each student's parent or guardian *before* providing any human sexuality materials or instruction to students. RSMo § 170.015.5(1)-(2). Schools must provide to parents the content of any human sexuality materials or instruction and give parents the opportunity to opt their child out. *Id.* Materials and instruction that address abortion, gender identity, or sexual orientation are necessarily topics of "human sexuality."

Failing to notify parents in advance, failing to provide parents with the content of the instruction and materials, failing to clearly offer an opportunity to opt-out, or failing to uphold a parent's opt-out decision violates Missouri law and represents a direct assault upon parents' rights.

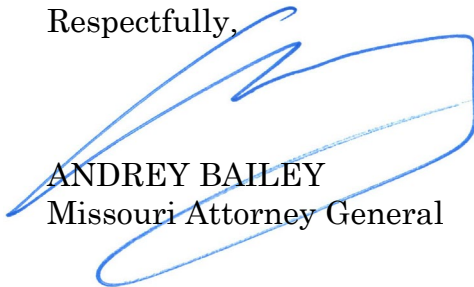
Parents have the natural right to direct the upbringing and education of their children. See e.g., *Troxel v. Granville*, 530 U.S. 57 (2000)(reaffirming the fundamental right of parents to make "decisions concerning the care, custody, and

control” of their children); *Wisconsin v. Yoder*, 406 U.S. 205 (1972)(reasoning that “this primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.”); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925)(holding the State does not have power to “standardize its children;” instead, parents have the “right to recognize and prepare” their child for “additional obligations.”); *Meyer v. Nebraska*, 262 U.S. 390 (1923)(holding that the interest of the state to promote certain “ideals” did not outweigh the right of parents to guide their children’s education).

According to long-established Supreme Court precedent and Missouri state statute, schools must respect parents’ rights concerning human sexuality instruction and materials. Specifically, this means that schools must notify parents in advance and provide them with information about the instructional content and materials that will be shared with their children in order to give each parent a clear opt-out opportunity. Plainly stated, parents get to make decisions about the kind of human sexuality education their children will receive and schools are legally obligated to respect parents’ decisions.

Webster Groves School District must immediately cease and desist its use of all human sexuality materials and instruction except for those portions for which the district has provided the content to parents along with an opportunity to opt-out. Moreover, Webster Groves School District must immediately review all instructional resources, including reading lists, classroom and campus libraries, and any diversity, equity, inclusion, and belonging materials that address issues of human sexuality, to ensure they comply with state law.

Respectfully,



ANDREY BAILEY
Missouri Attorney General