

Does the wording in IGE present any issue with possibly losing federal funding since the policy references state law, not federal?

The provisions in the last paragraph of IGE merely refer to additional rights afforded parents/guardians under state law, and to the corresponding sample policy (IHAM). As a general rule - and in this case - as to federal statutes that apply to states as a condition of receiving funding, states can provide greater - but not lesser - protections than the federal provision. The previous paragraph references the right to inspect provision the Protection of Pupil Rights Act (PPRA), which is further explained in IHAM. (Confusion between the two policies exists as a result of significant overlap, but distinct provisions of 2 separate state laws, and the PPRA.)

"... the right to receive a minimum of 2 weeks advance notice of all materials to be used with respect to such instruction." Does that mean the actual materials will be provided two weeks in advance to parents? Or, notice of the materials being used? Any advice in that area would be appreciated.

Note that IGE and IHAM address separate state statutes. As indicated in IGE, it is IHAM that applies to curriculum materials "used for instruction of human sexuality or human sexual education".

The pertinent exact language of the state statute (RSA 186:11, IX-c) is:

*"The policy shall also require the school district or classroom teacher to provide parents and legal guardians not less than 2 weeks advance notice of curriculum course material used for instruction of human sexuality or human sexual education. ... The policy shall address the method of delivering notification to a parent or legal guardian. **To the extent practicable**, a school district shall make curriculum course materials available to parents or legal guardians for review **upon request**.*

This has generally been interpreted to mean that districts should have such materials available for inspection at least by the time the 2 week notice is provided. There is no current requirement that the district provide the materials without such a request. I.e., if 100 parents receive the notice, only 3 might request prior inspection.

That said, nothing would prohibit a board from including such a requirement. In doing so, the board should consult with administration about the logistical requirements as well as any resources which should be allocated prior to implementation.