**FOLLOW UP RE REMOVAL FROM ELECTIVES/DENIAL OF OPT OUT**

*[This letter should be used if the school has denied your 26.010 opt out and removed your child from electives to provide AI. DO NOT SEND THIS if you have not yet sent a WRITTEN opt out notice and been denied. DO NOT SEND THIS if your child is being given AI in a homeroom or advisory period unless other students get electives/enrichment, recess or some physical activities during that time.]*

*In addition to the campus, I am asking you to copy all emails to:
Harold.dutton@house.texas.gov
jm.lozano@house.texas.gov
txedrights@gmail.com
accelerated.instruction@tea.texas.gov*

Principal/Counsel
Campus
District

Dear [\_\_\_\_\_\_]:

On \_\_\_\_\_\_\_\_\_\_\_\_\_\_, I sent you formal written notice of my decision to exercise my **entitlement** under Tex. Educ. Code §26.010 to remove my child from Accelerated Instruction (“AI”) under HB 4545. Despite the fact that the Texas Education Agency has clearly stated that parents can opt out of AI (see TEA FAQ #17, #18, updated Aug 3, 2022), despite the fact that HB 4545 contains **absolutely no language** removing it from the scope of §26.010, and despite the fact that AI is not an exception to the scope of §26.010 contained in the statute itself, you have inexplicably, and with no legal authority, refused to remove my child from accelerated instruction. [Clearly this [district/campus] has not been listening to the words of Gov. Abbott regarding parental rights.]

In addition to the clear violation of my parental rights in this action, you have further insisted on placing my child in a class period intended to deliver HB 4545 instruction. To do so, you have [removed my child from/denied my child access to] [electives/recess/other physical activity] otherwise available to students in [his/her] grade level who are not receiving AI under HB 4545. This is a direct and incurable violation of Tex. Educ. Code. §28.0211 (a-3) which prohibits the removal of students from foundation or enrichment curriculum or physical activities in order to deliver HB 4545 AI. You must immediately remove my child from these “classes” and restore them access to the same number of electives as students in [his/her] grade level who passed all portions of STAAR. See also FAQ 36.

***If you have never waived 3:1, use the first option. If you inadvertently waived it in enrollment paperwork use the second option.***

OPTION 1 [In addition, note that I have never waived the 3:1 ratio for HB 4545. My child must therefore be removed from any AI setting with a Student:Teacher ratio greater than 3:1.]

OR OPTION 2 [In addition, note that the “waiver” of 3:1 included in online registration does not comply with the TEA guidelines (see FAQ 65). For that reason it is ineffective, and this letter serves as notice that I DO NOT WAIVE the 3:1 ratio for 2022-2023. My child must therefore be removed from any AI setting with a Student:Teacher ratio greater than 3:1.]]

Please confirm my child has been removed from all AI “classes” and had all electives restored. In addition, please reconsider your unauthorized refusal to recognize my parental opt out rights. If you continue to assert your decision, please provide the language in §26.010 which permits the district to trample my rights. Should you fail to recognize my statutory rights, please provide me the Level 1 grievance form.

Sincerely,