

1 **PARENTAL CONSENT CURRICULUM**

2 **REQUIREMENTS**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Mary Carlson**

6 AN ACT RELATING TO PUBLIC EDUCATION; MODIFYING PARENTAL CONSENT
7 INSTRUCTIONAL REQUIREMENTS RELATED SPECIFICALLY TO AT-RISK MINORS;
8 AND PROVIDING DEFINITIONS.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **53A-13-101**, as last amended by Chapter 10, Laws of Utah 1996, Second Special Session
12 *Be it enacted by the Legislature of the state of Utah:*

13 Section 1. Section **53A-13-101** is amended to read:

14 **53A-13-101. Instruction in health -- Parental consent requirements -- Character**
15 **habits -- Conduct and speech of school employees and volunteers -- Political and religious**
16 **doctrine prohibited.**

17 (1) (a) The State Board of Education shall establish curriculum requirements under Section
18 53A-1-402, that include instruction in:

- 19 (i) community and personal health;
- 20 (ii) physiology;
- 21 (iii) personal hygiene; and
- 22 (iv) prevention of communicable disease.

23 (b) That instruction shall stress the importance of abstinence from all sexual activity before
24 marriage and fidelity after marriage as methods for preventing certain communicable diseases.

25 (2) (a) Instruction in the courses described in Subsection (1) shall be consistent and
26 systematic in grades eight through 12.

27 (b) At the request of the board, the Department of Health shall cooperate with the board

28 in developing programs to provide instruction in those areas.

29 (3) (a) The board shall adopt rules that:

30 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323 are
31 complied with; and

32 (ii) require a student's parent or legal guardian to be notified in advance and have an
33 opportunity to review the information for which parental consent is required under Sections
34 76-7-322 and 76-7-323.

35 (b) The board shall also provide procedures for disciplinary action for violation of Section
36 76-7-322 or 76-7-323.

37 (4) (a) As used in Subsection (4):

38 (i) "At-risk minor" means a student who, at the time consent is sought for the purpose of
39 instruction under Subsection (1):

40 (A) is a youth in custody or under the supervision of the criminal justice system; or

41 (B) is enrolled in a young parent program.

42 (ii) "Notice" means written notice as required by board rule.

43 (iii) "Parent" includes legal guardian.

44 (b) The notice given to a parent of an at-risk minor under Subsection (3)(a)(ii) shall
45 include a parental consent form and prominent notice that unless the parent returns the form to the
46 school within 14 days denying consent for the at-risk minor to participate in the instructional
47 program, consent shall be presumed and the instruction shall be given.

48 [(4)] (5) Honesty, temperance, morality, courtesy, obedience to law, respect for and an
49 understanding of the Declaration of Independence and the Constitutions of the United States and
50 the state of Utah, Utah history including territorial and preterritorial development to the present,
51 the essentials and benefits of the free enterprise system, respect for parents and home, and the
52 dignity and necessity of honest labor and other skills, habits, and qualities of character which will
53 promote an upright and desirable citizenry and better prepare students for a richer, happier life
54 shall be taught in connection with regular school work.

55 [(5)] (6) (a) In keeping with the requirements of Subsection [(4)] (5), and because school
56 employees and volunteers serve as examples to their students, school employees or volunteers
57 acting in their official capacities may not support or encourage criminal conduct by students,
58 teachers, or volunteers.

59 (b) To ensure the effective performance of school personnel, the limitations described in
60 Subsection (6)(a) also apply to school employees or volunteers acting outside of their official
61 capacities if:

62 (i) they knew or should have known that their action could result in a material and
63 substantial interference or disruption in the normal activities of the school; and

64 (ii) that action does result in a material and substantial interference or disruption in the
65 normal activities of the school.

66 (c) Neither the State Office of Education nor local school districts may provide training
67 of school employees or volunteers that supports or encourages criminal conduct.

68 (d) The State Board of Education shall adopt rules implementing this section.

69 (e) Nothing in this section limits the ability or authority of the State Board of Education
70 and local school boards to enact and enforce rules or take actions that are otherwise lawful,
71 regarding educators', employees', or volunteers' qualifications or behavior evidencing unfitness for
72 duty.

73 [~~(6)~~] (7) Except as provided in Section 53A-13-101.1, political, atheistic, sectarian,
74 religious, or denominational doctrine may not be taught in the public schools.

75 [~~(7)~~] (8) (a) Local school boards and their employees shall cooperate and share
76 responsibility in carrying out the purposes of this chapter.

77 (b) Each school district shall provide appropriate inservice training for its teachers,
78 counselors, and school administrators to enable them to understand, protect, and properly instruct
79 students in the values and character traits referred to in this section and Sections 53A-13-101.1,
80 53A-13-101.2, 53A-13-101.3, 53A-13-301, and 53A-13-302 and distribute appropriate written
81 materials on the values, character traits, and conduct to each individual receiving the inservice
82 training.

83 (c) The written materials shall also be made available to classified employees, students,
84 and parents and guardians of students.

85 (d) In order to assist school districts in providing the inservice training required under
86 Subsection (8)(b), the State Board of Education shall as appropriate, contract with a qualified
87 individual or entity possessing expertise in the areas referred to in Subsection (8)(b) to develop and
88 disseminate model teacher inservice programs which districts may use to train the individuals
89 referred to in Subsection (8)(b) to effectively teach the values and qualities of character referenced

90 in [that] Subsection (8)(b).

91 (e) In accordance with the provisions of Subsection [~~(5)~~] (6)(c), inservice training may not
92 support or encourage criminal conduct.

93 [~~(8)~~] (9) If any one or more provision, subsection, sentence, clause, phrase, or word of this
94 section, or the application thereof to any person or circumstance, is found to be unconstitutional,
95 the balance of this section shall be given effect without the invalid provision, subsection, sentence,
96 clause, phrase, or word.

Legislative Review Note
as of 12-3-98 2:36 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel