

28 (b) (i) ~~That instruction~~ INSTRUCTION RELATING TO SEXUAL ACTIVITY shall teach
28a only:

29 (A) abstinence from sexual activity before marriage and fidelity after marriage; ~~AND~~

30 (B) personal skills that encourage individual choice of abstinence and fidelity ~~;~~

31 ~~and~~ (C) ~~the negative consequences that occur when criminal prohibitions against fornication,~~

32 ~~adultery, and sodomy are violated by minors or adults]~~ AND THAT ANY SEXUAL RELATIONS

32a OUTSIDE OF MARRIAGE CONSTITUTES CRIMINAL CONDUCT .

33 (ii) At no time may instruction be provided regarding any means or methods that facilitate
34 or encourage the violation of any state or federal criminal law by a minor or an adult.

34a (iii) AT THE PRIOR WRITTEN REQUEST OF A PARENT OR LEGAL GUARDIAN, AND IN

34b ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 76-7-322 AND 76-7-323, A LOCAL
SCHOOL

34c BOARD MAY PROVIDE FOR INSTRUCTION WHICH:

34d (A) OFFERS INFORMATION ON ABSTINENCE ONLY WHICH REDUCES THE RISK OF
34e SEXUALLY TRANSMITTED DISEASES AND UNWANTED PREGNANCIES; AND

34f (B) STRESSES, IN CONNECTION WITH THE INFORMATION OFFERED IN SUBSECTION
34g (1)(b)(iii)(A), THE IMPORTANCE OF ABSTINENCE FROM SEXUAL ACTIVITY BEFORE MARRIAGE
AND

34h FIDELITY AFTER MARRIAGE IN REDUCING AND ELIMINATING THE RISK OF PSYCHOLOGICAL AND
34i PHYSICAL HARMS WHICH MAY RESULT FROM ILLICIT SEXUAL ACTIVITY, AND THAT
34j EXTRAMARITAL SEXUAL ACTIVITY IS A VIOLATION OF THE LAW.

34k (iv) MATERIALS USED IN THE INSTRUCTION GIVEN UNDER SUBSECTION (1)(b)(i) SHALL BE
34l LIMITED TO THOSE PROVIDED BY THE STATE BOARD OF EDUCATION THROUGH THE STATE
34m OFFICE OF EDUCATION OR BY ANOTHER STATE AGENCY. .

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

37 (b) At the request of the board, the Department of Health shall cooperate with the board
38 in developing programs to provide instruction in those areas.

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

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

42 (ii) require a student's parent or legal guardian to be notified in advance and have an
43 opportunity to review the information for which parental consent is required under Sections
44 76-7-322 and 76-7-323.

45 (b) The board shall also provide procedures for disciplinary action for violation of Section
46 76-7-322 or 76-7-323.

47 (4) Honesty, temperance, morality, courtesy, obedience to law, respect for and an
48 understanding of the Declaration of Independence and the Constitutions of the United States and

49 the state of Utah, Utah history including territorial and preterritorial development to the present,
50 the essentials and benefits of the free enterprise system, respect for parents and home, and the
51 dignity and necessity of honest labor and other skills, habits, and qualities of character which will
52 promote an upright and desirable citizenry and better prepare students for a richer, happier life
53 shall be taught in connection with regular school work.

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

58 (b) To ensure the effective performance of school personnel, the limitations described in

59 Subsection (5)(a) also apply to school employees or volunteers acting outside of their official
60 capacities if:

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

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

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

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

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

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

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

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

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

84 (d) In order to assist school districts in providing the inservice training required under
85 Subsection (7)(b), the State Board of Education shall, as appropriate, contract with a qualified
86 individual or entity possessing expertise in the areas referred to in Subsection (7)(b) to develop and
87 disseminate model teacher inservice programs which districts may use to train the individuals
88 referred to in Subsection (7)(b) to effectively teach the values and qualities of character referenced
89 in that subsection.

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

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

Legislative Review Note

as of 2-8-00 7:06 AM

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

Office of Legislative Research and General Counsel