

PUBLIC EDUCATION CURRICULUM

AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Bill Wright

This act modifies provisions related to the State System of Public Education by providing that the State Board of Education shall approve instructional materials for use in health, physiology, hygiene, and prevention of communicable disease curricula that local school boards may choose to adopt. The act provides local schools with an option of using other instructional materials for the curricula consistent with state law and board rules emphasizing abstinence before marriage and fidelity after marriage.

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

AMENDS:

53A-13-101, as last amended by Chapter 10, Laws of Utah 1996, Second Special Session

Be it enacted by the Legislature of the state of Utah:

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

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

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

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

(b) (i) That instruction shall stress:

(A) the importance of abstinence from all sexual activity before marriage and fidelity after



28 marriage as methods for preventing certain communicable diseases[-]; and

29 (B) personal skills that encourage individual choice of abstinence and fidelity.

30 (ii) § (A) § At no time may instruction be provided, including responses to spontaneous
 30a questions

31 raised by students, regarding any means or methods that facilitate or encourage the violation of any
 32 state or federal criminal law by a minor or an adult.

32a **§ (B) SUBSECTION (1)(b)(ii)(A) DOES NOT PRECLUDE AN INSTRUCTOR FROM RESPONDING**
 32b **TO A SPONTANEOUS QUESTION § ~~[ON A ONE-TO-ONE BASIS WITH THE STUDENT WHO RAISED THE~~**
 32c **QUESTION OR REFERRING THE STUDENT TO A SCHOOL COUNSELOR FOR A RESPONSE] § AS LONG**
 32d **AS THE RESPONSE IS CONSISTENT WITH THE PROVISIONS OF THIS SECTION. §**

33 (c) (i) The board shall approve instructional materials for use in the curricula required
 34 under Subsection (1)(a) upon recommendation of the State Textbook Commission or its successor.

35 (ii) A local school board may choose to adopt:

36 (A) the instructional materials approved under Subsection (1)(c)(i); or

37 (B) other instructional materials as provided in state board rule.

38 (iii) The state board rule made under Subsection (1)(c)(ii)(B) shall include, at a minimum:

39 (A) that the materials adopted by a local school board under Subsection (1)(c)(ii)(B) shall
 40 be based upon recommendations of the school district's Curriculum Materials Review Committee
 41 that comply with state law and state board rules emphasizing abstinence before marriage and
 42 fidelity after marriage, and prohibiting instruction in:

43 (I) the intricacies of intercourse, sexual stimulation, or erotic behavior;

44 (II) the advocacy of homosexuality;

45 (III) the advocacy or encouragement of the use of contraceptive methods or devices; or

46 (IV) the advocacy of sexual activity outside of marriage;

47 (B) that the adoption of instructional materials shall take place in an open and regular
 48 meeting of the local school board for which prior notice is given to parents and guardians of
 49 students attending schools in the district and an opportunity for them to express their views and
 50 opinions on the materials at the meeting;

51 (C) provision for an appeal and review process of the local school board's decision; and

52 (D) provision for a report by the local school board to the State Board of Education of the
 53 action taken and the materials adopted by the local school board under Subsections (1)(c)(ii)(B)
 54 and (1)(c)(iii).

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

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

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

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

62 (ii) require a student's parent or legal guardian to be notified in advance and have an
63 opportunity to review the information for which parental consent is required under Sections
64 76-7-322 and 76-7-323.

65 (b) The board shall also provide procedures for disciplinary action for violation of Section
66 76-7-322 or 76-7-323.

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

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

78 (b) To ensure the effective performance of school personnel, the limitations described in
79 Subsection (5)(a) also apply to school employees or volunteers acting outside of their official
80 capacities if:

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

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

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

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

88 (e) Nothing in this section limits the ability or authority of the State Board of Education
89 and local school boards to enact and enforce rules or take actions that are otherwise lawful,

90 regarding educators', employees', or volunteers' qualifications or behavior evidencing unfitness for
91 duty.

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

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

96 (b) Each school district shall provide appropriate inservice training for its teachers,
97 counselors, and school administrators to enable them to understand, protect, and properly instruct
98 students in the values and character traits referred to in this section and Sections 53A-13-101.1,
99 53A-13-101.2, 53A-13-101.3, 53A-13-301, and 53A-13-302 and distribute appropriate written
100 materials on the values, character traits, and conduct to each individual receiving the inservice
101 training.

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

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

110 (e) In accordance with the provisions of Subsection (5)(c), inservice training may not
111 support or encourage criminal conduct.

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

Legislative Review Note
as of 12-13-00 9:02 AM

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

Office of Legislative Research and General Counsel