

**INSTRUCTION IN HEALTH AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lynn N. Hemingway**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to health courses taught in public schools.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires instruction in health in the public schools to be age-appropriate and medically accurate;
- ▶ provides components of instruction for health courses; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-13-101**, as last amended by Laws of Utah 2004, Chapter 196

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*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 -- Conduct**



28 **and speech of school employees and volunteers -- Political and religious doctrine**  
29 **prohibited.**

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

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

36 (b) (i) That instruction shall stress:

37 (A) the importance of abstinence from all sexual activity before marriage and fidelity  
38 after marriage as methods for preventing certain communicable diseases; and

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

40 (ii) (A) At no time may instruction be provided, including responses to spontaneous  
41 questions raised by students, regarding any means or methods that facilitate or encourage the  
42 violation of any state or federal criminal law by a minor or an adult.

43 (B) Subsection (1)(b)(ii)(A) does not preclude an instructor from responding to a  
44 spontaneous question as long as the response is consistent with the provisions of this section.

45 (c) (i) The board shall recommend instructional materials for use in the curricula  
46 required under Subsection (1)(a) after considering evaluations of instructional materials by the  
47 State Instructional Materials Commission and the Department of Health.

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

49 (A) the instructional materials recommended under Subsection (1)(c)(i); or

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

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

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

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

58 (II) the advocacy of homosexuality; ~~H~~→ or

59 [F] (III) the advocacy or encouragement of the use of contraceptive methods or  
59a devices;

60 or [H] ←H

61 [~~FV~~] (III) the advocacy of sexual activity outside of marriage;

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

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

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

70 (2) (a) Instruction in the courses described in Subsection (1) shall be medically  
71 accurate, age-appropriate, consistent, and systematic in grades eight through 12[-], and shall  
72 include the following components of instruction:

73 (i) teaches that abstinence is the only sure way to avoid pregnancy or sexually  
74 transmitted diseases;

75 (ii) stresses the value of abstinence while not ignoring those adolescents who have had  
76 or who are having sexual intercourse;

77 (iii) encourages family communication about sexuality among parents, other adult  
78 household members, and children;

79 (iv) provides information about the health benefits H→ [;] and ←H side H→ [benefits, and  
79a proper use] effects ←H of all  
80 contraceptives and barrier methods as a means to prevent pregnancy, including accurate  
81 information about effectiveness;

82 (v) provides information about the health benefits H→ [;] and ←H side effects H→ [; and  
82a proper use] ←H of all  
83 contraceptives and barrier methods as a means to reduce the risk of contracting sexually  
84 transmitted diseases, HIV/AIDS, and other diseases;

85 (vi) encourages young people to practice healthy life skills, including goal setting,  
86 decision making, negotiation, communication, and stress management;

87 (vii) teaches how alcohol and drug use can affect responsible decision making;

88 (viii) promotes self-esteem and positive interpersonal skills focusing on relationship  
89 skills, H→ [including platonic, romantic, intimate, and] ←H family relationships and interaction;  
89a and

90 (ix) helps young people to gain knowledge about the physical, biological, and  
91 hormonal changes of adolescence and subsequent stages of human maturation.

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

94 (c) As used in this section, "medically accurate" means verified or supported by  
95 research conducted in compliance with scientific methods and published in peer-reviewed  
96 journals, where appropriate, and recognized as accurate and objective by professional  
97 organizations and agencies with expertise in the relevant field, including the federal Centers for  
98 Disease Control and Prevention and the American College of Obstetricians and Gynecologists.

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

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

102 (ii) require a student's parent or legal guardian to be notified in advance and have an  
103 opportunity to review the information for which parental consent is required under Sections  
104 76-7-322 and 76-7-323.

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

107 (4) (a) In keeping with the requirements of Section 53A-13-109, and because school  
108 employees and volunteers serve as examples to their students, school employees or volunteers  
109 acting in their official capacities may not support or encourage criminal conduct by students,  
110 teachers, or volunteers.

111 (b) To ensure the effective performance of school personnel, the limitations described  
112 in Subsection (4)(a) also apply to school employees or volunteers acting outside of their official  
113 capacities if:

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

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

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

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

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

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

127 (6) (a) Local school boards and their employees shall cooperate and share  
128 responsibility in carrying out the purposes of this chapter.

129 (b) Each school district shall provide appropriate inservice training for its teachers,  
130 counselors, and school administrators to enable them to understand, protect, and properly  
131 instruct students in the values and character traits referred to in this section and Sections  
132 53A-13-101.1, 53A-13-101.2, 53A-13-101.3, 53A-13-109, 53A-13-301, and 53A-13-302 and  
133 distribute appropriate written materials on the values, character traits, and conduct to each  
134 individual receiving the inservice training.

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

137 (d) In order to assist school districts in providing the inservice training required under  
138 Subsection (6)(b), the State Board of Education shall as appropriate, contract with a qualified  
139 individual or entity possessing expertise in the areas referred to in Subsection (6)(b) to develop  
140 and disseminate model teacher inservice programs which districts may use to train the  
141 individuals referred to in Subsection (6)(b) to effectively teach the values and qualities of  
142 character referenced in that subsection.

143 (e) In accordance with the provisions of Subsection (4)(c), inservice training may not  
144 support or encourage criminal conduct.

145 (7) If any one or more provision, subsection, sentence, clause, phrase, or word of this  
146 section, or the application thereof to any person or circumstance, is found to be  
147 unconstitutional, the balance of this section shall be given effect without the invalid provision,  
148 subsection, sentence, clause, phrase, or word.

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**Legislative Review Note**  
as of 2-6-09 10:18 AM

**Office of Legislative Research and General Counsel**

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**H.B. 189 - Instruction in Health Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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