

INSTRUCTION IN HEALTH AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lynn N. Hemingway

Senate Sponsor: _____

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

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; or

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

61 ~~[(IV)]~~ (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, side benefits, and proper use 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, side effects, and proper use 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, including platonic, romantic, intimate, and family relationships and interaction; 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.

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

Office of Legislative Research and General Counsel

H.B. 189 - Instruction in Health Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
