

Senator Howard A. Stephenson proposes the following substitute bill:

HEALTH EDUCATION AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ directs the State Board of Education to develop a plan for the delivery of a reproductive health education course online;
- ▶ establishes requirements for an online reproductive health education course; and
- ▶ requires the State Board of Education to submit its plan for an online reproductive health education course to the Education Interim Committee.

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:



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

27 **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.

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;
- 59 (III) the advocacy or encouragement of the use of contraceptive methods or devices; or
- 60 (IV) the advocacy of sexual activity outside of marriage;

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

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

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

69 (d) (i) The State Board of Education shall develop a plan for the delivery of a
70 reproductive health education course online.

71 (ii) The online reproductive health education course shall:

72 (A) include instruction in human development and healthy relationships and a general
73 discussion of contraception with its benefits and limitations;

74 (B) consist of multiple components and allow a student's parent or legal guardian to
75 select the components which the student may access; and

76 (C) provide opportunities for interaction between a student and a student's parent or
77 legal guardian.

78 (iii) The plan for an online reproductive health education course shall establish
79 procedures to allow a student's parent or legal guardian to restrict or give the student access to
80 the course as provided in Subsection (1)(d)(ii)(B) and Subsection (3)(a).

81 (iv) The State Board of Education shall submit its plan for an online reproductive
82 health education course to the Education Interim Committee on or before the committee's
83 interim meeting in November 2010.

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

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

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

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

91 (ii) require a student's parent or legal guardian to be notified in advance and have an
92 opportunity to review the information for which parental consent is required under Sections
93 76-7-322 and 76-7-323.

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

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

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

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

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

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

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

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

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

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

118 (b) Each school district shall provide appropriate inservice training for its teachers,

119 counselors, and school administrators to enable them to understand, protect, and properly
120 instruct students in the values and character traits referred to in this section and Sections
121 53A-13-101.1, 53A-13-101.2, 53A-13-101.3, 53A-13-109, 53A-13-301, and 53A-13-302 and
122 distribute appropriate written materials on the values, character traits, and conduct to each
123 individual receiving the inservice training.

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

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

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

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