

1 **PROTECTIONS ON PARENTAL GUIDANCE IN PUBLIC**
2 **SCHOOLS**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Brad L. Dee**

6 Senate Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to human sexuality instruction in public schools.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ requires a school to obtain prior written consent from a student's parent before the
14 school can provide human sexuality instruction to a student;
- 15 ▶ at a parent's choosing, requires a school to:
- 16 • waive a student's human sexuality instruction requirements; or
 - 17 • provide a student with a reasonable alternative to the human sexuality
- 18 instruction requirement; and
- 19 ▶ provides that a student's academic or citizenship performance may not be penalized
20 if a parent chooses not to have a student participate in human sexuality instruction.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **53A-13-101.2**, as last amended by Laws of Utah 2007, Chapter 114



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

Section 1. Section **53A-13-101.2** is amended to read:

53A-13-101.2. Waivers of participation -- Required parental consent for human sexuality instruction.

(1) As used in this section:

(a) (i) "Human sexuality instruction" means any course material, unit, class, lesson, discussion, activity, or presentation that provides instruction or information to a student about:

(A) sexual abstinence;

(B) sexuality;

(C) sexual orientation;

(D) gender identity;

(E) human reproduction;

(F) reproductive anatomy;

(G) physiology;

(H) pregnancy;

(I) marriage;

(J) childbirth;

(K) parenthood;

(L) contraception;

(M) HIV/AIDS; or

(N) sexually transmitted diseases.

(ii) "Human sexuality instruction" does not include child sexual abuse prevention instruction described in Section [53A-13-112](#).

(b) "Parent" means a parent or legal guardian.

(c) "School" means a public school.

~~[(1)]~~ (2) If a parent [~~with legal custody or other legal guardian~~] of a student, or a secondary student, determines that the student's participation in a portion of the curriculum or in an activity would require the student to affirm or deny a religious belief or right of conscience, or engage or refrain from engaging in a practice forbidden or required in the exercise of a religious right or right of conscience, the parent~~[, guardian,]~~ or the secondary

59 student may request:

60 (a) a waiver of the requirement to participate; or

61 (b) a reasonable alternative that requires reasonably equivalent performance by the
62 student of the secular objectives of the curriculum or activity in question.

63 ~~[(2)]~~ (3) The school shall promptly notify a student's parent ~~[or guardian]~~ if the
64 secondary student makes a request under Subsection ~~[(1)]~~ (2).

65 ~~[(3)]~~ (4) If a request is made under Subsection ~~[(1)]~~ (2), the school shall:

66 (a) waive the participation requirement;

67 (b) provide a reasonable alternative to the requirement; or

68 (c) notify the requesting party that participation is required.

69 ~~[(4)]~~ (5) The school shall ensure that the provisions of Subsection 53A-13-101.3(3) are
70 met in connection with any required participation under Subsection ~~[(3)]~~ (4)(c).

71 (6) A school shall obtain prior written consent from a student's parent before the school
72 may provide human sexuality instruction to the student.

73 (7) If a student's parent chooses not to have the student participate in human sexuality
74 instruction, a school shall:

75 (a) waive the requirement for the student to participate in the human sexuality
76 instruction; or

77 (b) provide the student with a reasonable alternative to the human sexuality instruction
78 requirement.

79 (8) In cooperation with the student's teacher or school, a parent shall take responsibility
80 for the parent's student's human sexuality instruction if a school:

81 (a) waives the student's human sexuality instruction requirement in Subsection (7)(a);

82 or

83 (b) provides the student with a reasonable alternative to the human sexuality
84 instruction requirement described in Subsection (7)(b).

85 ~~[(5)]~~ (9) A student's academic or citizenship performance may not be penalized ~~[by~~
86 ~~school officials for the]~~ if:

87 (a) the secondary student or the student's parent chooses to exercise [of] a religious
88 right or right of conscience in accordance with the provisions of this section[-]; or

89 (b) the student's parent chooses not to have the student participate in human sexuality

90 instruction as described in Subsection (7).

Legislative Review Note
as of 2-20-15 5:16 PM

Office of Legislative Research and General Counsel