

Representative Brad L. Dee proposes the following substitute bill:

**PROTECTIONS ON PARENTAL GUIDANCE IN PUBLIC
SCHOOLS**

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 [53A-13-101.2](#), as last amended by Laws of Utah 2007, Chapter 114



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

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

31 **53A-13-101.2. Waivers of participation -- Required parental consent for human**
32 **sexuality instruction.**

33 (1) As used in this section:

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

36 (A) sexual abstinence;

37 (B) sexuality;

38 (C) human reproduction;

39 (D) reproductive anatomy;

40 (E) physiology;

41 (F) pregnancy;

42 (G) marriage;

43 (H) childbirth;

44 (I) parenthood;

45 (J) contraception;

46 (K) HIV/AIDS; or

47 (L) sexually transmitted diseases.

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

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

51 (c) "School" means a public school.

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

57 student may request:

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

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

61 ~~[(2)]~~ (3) The school shall promptly notify a student's parent ~~[or guardian]~~ if the
62 secondary student makes a request under Subsection ~~[(1)]~~ (2).

63 ~~[(3)]~~ (4) If a request is made under Subsection ~~[(1)]~~ (2), the school shall:

64 (a) waive the participation requirement;

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

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

67 ~~[(4)]~~ (5) The school shall ensure that the provisions of Subsection 53A-13-101.3(3) are
68 met in connection with any required participation under Subsection ~~[(3)]~~ (4)(c).

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

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

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

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

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

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

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

83 ~~[(5)]~~ (9) A student's academic or citizenship performance may not be penalized ~~[by~~
84 ~~school officials for the]~~ if:

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

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

88 instruction as described in Subsection (7).