

**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: J. Stuart Adams

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**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 activity, or presentation that, as the focus of the discussion, provides instruction or information  
36 to a student about:

37 (A) sexual abstinence;

38 (B) human sexuality;

39 (C) human reproduction;

40 (D) reproductive anatomy;

41 (E) physiology;

42 (F) pregnancy;

43 (G) marriage;

44 (H) childbirth;

45 (I) parenthood;

46 (J) contraception;

47 (K) HIV/AIDS; or

48 (L) sexually transmitted diseases.

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

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

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

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

57 exercise of a religious right or right of conscience, the parent~~[-guardian,]~~ or the secondary  
58 student may request:

- 59 (a) a waiver of the requirement to participate; or
- 60 (b) a reasonable alternative that requires reasonably equivalent performance by the
- 61 student of the secular objectives of the curriculum or activity in question.

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

64 ~~[(3)]~~ (4) If a request is made under Subsection ~~[(1)]~~ (2), the school shall:

- 65 (a) waive the participation requirement;
- 66 (b) provide a reasonable alternative to the requirement; or
- 67 (c) notify the requesting party that participation is required.

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

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

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

- 74 (a) waive the requirement for the student to participate in the human sexuality
- 75 instruction; or
- 76 (b) provide the student with a reasonable alternative to the human sexuality instruction
- 77 requirement.

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

- 80 (a) waives the student's human sexuality instruction requirement in Subsection (7)(a);
- 81 or
- 82 (b) provides the student with a reasonable alternative to the human sexuality
- 83 instruction requirement described in Subsection (7)(b).

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

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

88            (b) the student's parent chooses not to have the student participate in human sexuality  
89 instruction as described in Subsection (7).