

HB0281S02 compared with HB0281

~~text~~ shows text that was in HB0281 but was omitted in HB0281S02

text shows text that was not in HB0281 but was inserted into HB0281S02

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1 **Health Curriculum and Procedures Amendments**

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Stephanie Gricius**

. Senate Sponsor: Kirk A. Cullimore

2

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions regarding health instruction and physical and mental health
6 procedures in the public education system.

7 **Highlighted Provisions:**

8 This bill:

8 ▶ defines terms;

9 ▶ requires ~~the Utah Education and Telehealth Network and~~ any health care provider to obtain
written parental consent before providing or facilitating telehealth or another health care service to a
student within a public school;

12 ▶ establishes requirements for in-school mental health therapy, including:

13 • identifying who may and may not provide in-school mental health therapy; and

14 • requiring parental consent and certain parental notification;

15 ▶ ensures that a local or state rule or policy does not create an exemption for otherwise prohibited
endorsement, promotion, or disparagement of a certain religious belief or viewpoint;

18 ▶ modifies required health instruction, including:

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- 19 • establishing statutory purposes for the curriculum the state board establishes;
- 20 • adding situational awareness and the "success sequence";
- 21 • reorganizing duties and prohibitions regarding instruction, discussion, and advocacy of
certain concepts;
- 23 ▸ amends the effect of prior written parental consent and the allowable subjects in sex education
instruction; and
- 25 ▸ makes technical and conforming changes.

26 Money Appropriated in this Bill:

27 None

28 This bill provides a special effective date.

31 AMENDS:

32 ~~{53B-17-105, as last amended by Laws of Utah 2021, Chapter 344, as last amended by Laws
of Utah 2021, Chapter 344}~~

32 53G-10-202 (Effective 07/01/25), as last amended by Laws of Utah 2023, Chapter 294 (Effective
07/01/25), as last amended by Laws of Utah 2023, Chapter 294

33 53G-10-402 (Effective 07/01/26), as last amended by Laws of Utah 2024, Chapters 20,
507 (Effective 07/01/26), as last amended by Laws of Utah 2024, Chapters 20, 507

35 53G-10-403 (Effective 07/01/26), as last amended by Laws of Utah 2019, Chapter 293 (Effective
07/01/26), as last amended by Laws of Utah 2019, Chapter 293

36 ENACTS:

37 53G-9-214 (Effective 07/01/25), Utah Code Annotated 1953 (Effective 07/01/25), Utah Code
Annotated 1953

38 53G-9-901 (Effective 07/01/25), Utah Code Annotated 1953 (Effective 07/01/25), Utah Code
Annotated 1953

39 53G-9-902 (Effective 07/01/25), Utah Code Annotated 1953 (Effective 07/01/25), Utah Code
Annotated 1953

40

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

42 ~~{Section 1. Section 53B-17-105 is amended to read: }~~

43 **53B-17-105. Utah Education and Telehealth Network.**

44 (1) There is created the Utah Education and Telehealth Network, or UETN.

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- 45 (2) UETN shall:
- 46 (a) coordinate and support the telecommunications needs of public and higher education, public
libraries, and entities affiliated with the state systems of public and higher education as approved
by the Utah Education and Telehealth Network Board, including the statewide development
and implementation of a network for education, which utilizes satellite, microwave, fiber-optic,
broadcast, and other transmission media;
- 52 (b) coordinate the various telecommunications technology initiatives of public and higher education;
- 54 (c) provide high-quality, cost-effective Internet access and appropriate interface equipment for schools
and school systems;
- 56 (d) procure, install, and maintain telecommunication services and equipment on behalf of public and
higher education;
- 58 (e) develop or implement other programs or services for the delivery of distance learning and telehealth
services as directed by law;
- 60 (f) apply for state and federal funding on behalf of:
- 61 (i) public and higher education; and
- 62 (ii) telehealth services;
- 63 (g) in consultation with health care providers from a variety of health care systems, explore and
encourage the development of telehealth services as a means of reducing health care costs and
increasing health care quality and access, with emphasis on assisting rural health care providers and
special populations; and
- 67 (h) in consultation with the Utah Department of Health, advise the governor and the Legislature on:
- 69 (i) the role of telehealth in the state;
- 70 (ii) the policy issues related to telehealth;
- 71 (iii) the changing telehealth needs and resources in the state; and
- 72 (iv) state budgetary matters related to telehealth.
- 73 (3) In performing the duties under Subsection (2), UETN shall:
- 74 (a) provide services to schools, school districts, and the public and higher education systems through an
open and competitive bidding process;
- 76 (b) work with the private sector to deliver high-quality, cost-effective services;
- 77 (c) avoid duplicating facilities, equipment, or services of private providers or public
telecommunications service, as defined under Section 54-8b-2;

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- 79 (d) utilize statewide economic development criteria in the design and implementation of the educational
telecommunications infrastructure;[~~and~~]
- 81 (e) assure that public service entities, such as educators, public service providers, and public
broadcasters, are provided access to the telecommunications infrastructure developed in the state[-] ;
and
- 84 (f) before providing or facilitating any telehealth service to a student in a public school, obtain informed
written consent of the student's parent, as defined in Section 53E-1-103, for the telehealth service.
- 87 (4) The University of Utah shall provide administrative support for UETN.
- 88 (5)
- . (a) The Utah Education and Telehealth Network Board, which is the governing board for UETN, is
created.
- 90 (b) The Utah Education and Telehealth Network Board shall have 13 members as follows:
- 92 (i) five members representing the state system of higher education, of which at least one member
represents technical colleges, appointed by the commissioner of higher education;
- 95 (ii) four members representing the state system of public education appointed by the State Board of
Education;
- 97 (iii) one member representing the state library appointed by the state librarian;
- 98 (iv) two members representing hospitals as follows:
- 99 (A) the members may not be employed by the same hospital system;
- 100 (B) one member shall represent a rural hospital;
- 101 (C) one member shall represent an urban hospital; and
- 102 (D) the chief administrator or the administrator's designee for each hospital licensed in this state shall
select the two hospital representatives; and
- 104 (v) one member representing the office of the governor, appointed by the governor.
- 105 (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for
the unexpired term.
- 107 (d)
- . (i) The board shall elect a chair.
- 108 (ii) The chair shall set the agenda for the board meetings.
- 109 (6) A member of the board may not receive compensation or benefits for the member's service, but may
receive per diem and travel expenses in accordance with:

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- 111 (a) Section 63A-3-106;
112 (b) Section 63A-3-107; and
113 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
115 (7) The board:
116 (a) shall hire an executive director for UETN who may hire staff for UETN as permitted by the budget;
118 (b) may terminate the executive director's employment or assignment;
119 (c) shall determine the executive director's salary;
120 (d) shall annually conduct a performance evaluation of the executive director;
121 (e) shall establish policies the board determines are necessary for the operation of UETN and the
administration of UETN's duties; and
123 (f) shall advise UETN in:
124 (i) the development and operation of a coordinated, statewide, multi-option telecommunications system
to assist in the delivery of educational services and telehealth services throughout the state; and
127 (ii) acquiring, producing, and distributing instructional content.
128 (8) The executive director of UETN shall be an at-will employee.
129 (9) UETN shall locate and maintain educational and telehealth telecommunication infrastructure
throughout the state.
131 (10) Educational institutions shall manage site operations under policy established by UETN.
133 (11) Subject to future budget constraints, the Legislature shall provide an annual appropriation to
operate UETN.
135 (12) If the network operated by the Division of Technology Services is not available, UETN may
provide network connections to the central administration of counties and municipalities for the sole
purpose of transferring data to a secure facility for backup and disaster recovery.

42 Section 1. Section 1 is enacted to read:

43 **53G-9-214. (Effective 07/01/25) Health care services in public schools.**

~~{ Before a health care provider, as defined in Section 58-80a-102, may provide or }~~

Except as provided in Subsection (2), before a health care provider, as defined in Section 58-80a-102, may provide or facilitate a health care service that is not traditionally available to a student in a public school, the health care provider shall obtain the informed written consent of the student's parent for the health care service.

~~{ the health care provider shall obtain the informed written consent of the student's parent for the~~

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~~health care service.~~

48 (2) This section does not apply to a service through the SafeUT Crisis Line established in Section
53B-17-1202.

50 Section 2. Section 2 is enacted to read:

146 **Part 9. Mental Health Services in Public Schools**

52 **53G-9-901. (Effective 07/01/25) Definitions.**

As used in this part:

149 (1)

(a) "In-school mental health therapy" means a therapy, therapeutic strategy, or other mental health counseling that takes place in a school setting and includes:

151 (i) mental health therapy as defined in Section 26B-1-329;

152 (ii) the practice of mental health therapy as defined in Section 58-61-102;

153 (iii) the diagnosis of a mental health disorder;

154 (iv) psychoanalysis;

155 (v) psychotherapy;

156 (vi) hypnotherapy; or

157 (vii) neuropsychology.

158 (b) "In-school mental health therapy" does not include:

159 (i) describing basic stress-management strategies;

160 (ii) informing students ~~and parents~~ of the availability of in-school mental health therapy; or

161 (iii) engaging in generalized crisis response ~~{protocols that the state board establishes}~~, which does not include one-on-one counseling or therapy, in accordance with the state board's or the LEA's crisis response protocols.

163 (2) "School-based mental health therapist" means an individual:

164 (a) who holds:

165 (i) a license as a mental health therapist as defined in Section 58-60-102; {or}

166 (ii) a license or certification under Title 58, Chapter 60, Part 6, Behavioral Health Coach and Technician Licensing Act; {and}

75 (iii) a license from the state board as a school social worker, as defined in Section 53F-5-218; or

77 (iv) a license from the state board as a school psychologist, as defined in Section 53F-5-218; and

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(b) whom an LEA or school employs, ~~{or}~~ engages by contract, or engages by agreement, to support students' mental health through in-school mental health therapy in accordance with the scope of the individual's license or certification described in Subsection (2)(a).

83 Section 3. Section 3 is enacted to read:

84 **53G-9-902. (Effective 07/01/25) Parental consent required -- Parental notification required.**

172 (1) Except as provided in a student's IEP or 504 plan:

173 (a) an individual who is not a school-based mental health therapist may not provide in-school mental health therapy; and

175 (b) an individual may not provide in-school mental health therapy in a traditional general education classroom setting with other students present in the classroom.

177 (2) For a school-based mental health therapist to provide in-school mental health therapy:

178 (a) the relevant LEA, school, or school-based mental health therapist shall obtain written parental consent before the first ~~{instance}~~ session of in-school mental health therapy in a given school year; and

181 (b) unless the student's parent opts out of receiving notifications from the school-based mental health therapist under this Subsection (2)(b), within one business day after each ~~{instance}~~ session of in-school mental health therapy ~~{, on the day of the instance}~~ , the school-based mental health therapist shall provide to the student's parent:

183 (i) notice that the ~~{instance}~~ session took place; and

184 (ii) a description of the topic ~~{and content}~~ of the therapy.

185 (3)

. (a)

. (i) When obtaining the written parental consent described in Subsection (2)(a), the LEA ~~{or}~~ , school , or school-based mental health therapist shall , through consultation with the parent, provide the parent an opportunity to identify topics or issues the parent intends a school-based mental health therapist to address or to not address with the student.

189 (ii) A school-based mental health therapist may not address a topic or issue for which a parent has expressly stated an intent for the therapist to not address with the student under this Subsection (3)(a).

109 (iii) Notwithstanding Subsections (3)(a)(i) and (3)(a)(ii), if a student reports information that creates a duty on the school-based mental health therapist to make a report for the following,

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the therapist may discuss the information with the student to the extent necessary to make the mandatory report:

113 (A) suspected cases of child abuse or neglect under Section 80-2-602;

114 (B) abuse of a student under Section 53E-6-701; or

115 (C) any other legally mandated duty to report an incident.

116 (b)

192 ~~{(b)}~~ (i) The requirement to obtain prior written parental consent before providing in-school mental health therapy described in Subsection (2)(a) does not apply in a case in which a delay to contact a parent would create ~~{a}~~ an immediate serious risk of suicide or serious bodily injury, as defined in Section 76-1-101.5, to the student or to another individual.

121 (ii) For a circumstance described in Subsection (3)(b)(i), the LEA, school, or school-based mental health therapist shall notify a parent in accordance with Section 53G-9-604.

196 (c) A student's IEP or 504 plan that includes in-school mental health therapy satisfies the parental consent requirement described in Subsection (2)(a).

198 (4)

. (a) The state board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the application of this section to the actions of educators and staff in the public education system.

201 (b) The state board shall, in consultation with the Department of Health and Human Services, provide guidance to school-based mental health therapists, educators, and school support staff on conduct and practices that constitute and do not constitute in-school mental health therapy.

133 (5) Nothing in this part authorizes an individual to take an action that exceeds the scope of the individual's license or certification.

135 (6) This section does not apply to a service a student accesses through the SafeUT Crisis Line established in Section 53B-17-1202.

137 Section 4. Section **53G-10-202** is amended to read:

138 **53G-10-202. (Effective 07/01/25)Maintaining constitutional freedom in the public schools.**

207 (1) Except as provided in this section and in Section 53G-10-206, any instructional activity, performance, or display which includes examination of or presentations about religion, political or religious thought or expression, or the influence thereof on music, art, literature, law, politics, history, or any other element of the curriculum, including the comparative study of religions, which

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is designed to achieve academic educational objectives included within the context of a course or activity and conducted in accordance with applicable rules or policies of the state and LEA governing boards, may be undertaken in the public schools.

- 215 (2) No aspect of cultural heritage, political theory, moral theory, or societal value shall be included
within or excluded from public school curricula for the primary reason that it affirms, ignores, or
denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or
supreme being.
- 219 (3) Public schools may not sponsor or deny the practice of prayer or religious devotionals.
- 220 (4) School officials and employees may not~~[-use their positions-]~~ , regardless of a school, LEA, or state
board rule or policy, use the official's or employee's position to endorse, promote, or disparage a
particular religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint.

157 Section 5. Section **53G-10-402** is amended to read:

158 **53G-10-402. (Effective 07/01/26)Instruction in health -- Parental consent requirements
-- Conduct and speech of school employees and volunteers -- Political and religious doctrine
prohibited.**

228 (1){~~(+)~~} As used in this section:

229 ~~{(a)}~~ (2) (a) "LEA governing board" means a local school board or charter school governing board.

231 ~~{(b)}~~ (a) (b) "Refusal skills" means instruction:

232 {(i)} (b) (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or adult;

234 (ii) in a student's obligation to stop the student's sexual advances if refused by another individual;

236 (iii) informing a student of the student's right to report and seek counseling for unwanted sexual
advances; and

238 [~~(iv) in sexual harassment; and~~]

239 {(v)} (iv) informing a student that a student may not consent to criminally prohibited activities or
activities for which the student is legally prohibited from giving consent, including the electronic
transmission of sexually explicit images by an individual, regardless of whether the image is of the
individual who transmits the image or of another individual.

244 (c) "Situational awareness" means instruction in a student's ability to:

245 (i) observe the student's environment, including:

246 (A) increasing awareness; and

247 (B) noticing details and changes in the environment; and

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- 248 (ii) respond in unsafe situations, including how to seek help.
- 249 (d) "Success sequence" means a three-prong framework for youth and young adults that encourages:
- 251 (i) completing at least a high school education and pursuing further educational opportunities;
- 253 (ii) obtaining full-time employment; and
- 254 (iii) marrying before having children.
- 255 [(2)
- . (a) ~~The state board shall establish curriculum requirements under Section 53E-3-501 that include instruction in:]~~
- 257 [(i) ~~community and personal health;~~]
- 258 [(ii) ~~physiology;~~]
- 259 [(iii) ~~personal hygiene;~~]
- 260 [(iv) ~~prevention of communicable disease;~~]
- 261 [(v) ~~refusal skills; and~~]
- 262 [(vi) ~~the harmful effects of pornography.~~]
- 263 [(b) ~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that, and instruction shall:]~~
- 265 [(i) ~~stress the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases;~~]
- 267 [(ii) ~~stress personal skills that encourage individual choice of abstinence and fidelity;~~]
- 268 [(iii) ~~prohibit instruction in:]~~
- 269 [(A) ~~the intricacies of intercourse, sexual stimulation, or erotic behavior;~~]
- 270 [(B) ~~the advocacy of premarital or extramarital sexual activity; or~~]
- 271 [(C) ~~the advocacy or encouragement of the use of contraceptive methods or devices; and~~]
- 272 [(iv) ~~except as provided in Subsection (2)(d), allow instruction to include information about contraceptive methods or devices that stresses effectiveness, limitations, risks, and information on state law applicable to minors obtaining contraceptive methods or devices.~~]
- 275 [(e) ~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules for an LEA governing board that adopts instructional materials under Subsection (2)(g)(ii) that:]~~
- 278 [(i) ~~require the LEA governing board to report on the materials selected and the LEA governing board's compliance with Subsection (2)(h); and~~]

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- 280 [(ii) provide for an appeal and review process of the LEA governing board's adoption of instructional materials.]
- 282 [(d) The state board may not require an LEA to teach or adopt instructional materials that include information on contraceptive methods or devices.]
- 284 [(e)
- . (i) At no time may instruction be provided, including responses to spontaneous questions raised by students, regarding any means or methods that facilitate or encourage the violation of any state or federal criminal law by a minor or an adult.]
- 287 [(ii) Subsection (2)(e)(i) does not preclude an instructor from responding to a spontaneous question as long as the response is consistent with the provisions of this section.]
- 289 [(f) The state board shall recommend instructional materials for use in the curricula required under Subsection (2)(a).]
- 291 [(g) An LEA governing board may choose to adopt:]
- 292 [(i) the instructional materials recommended under Subsection (2)(f); or]
- 293 [(ii) other instructional materials in accordance with Subsection (2)(h).]
- 294 [(h) An LEA governing board that adopts instructional materials under Subsection (2)(g)(ii) shall:]
- 296 [(i) ensure that the materials comply with state law and board rules;]
- 297 [(ii) base the adoption of the materials on the recommendations of the LEA governing board's Curriculum Materials Review Committee;]
- 299 [(iii) adopt the instructional materials in an open and regular meeting of the LEA governing board for which prior notice is given to parents of students who attend the respective schools; and]
- 302 [(iv) give parents an opportunity to express the parents' views and opinions on the materials at the meeting described in Subsection (2)(h)(iii).]
- 304 (2)
- . (a) In accordance with Section 53E-3-501, the state board shall establish health curriculum requirements:
- 306 (i) for the purpose of:
- 307 (A) equipping students with practical safety skills regarding sexual abuse, trafficking, and harassment;
- 309 (B) promoting respect for humankind and individual responsibility;
- 310 (C) fostering character development and decision making through the success sequence; and
- 312 (D) encouraging healthy personal and family relationships; and

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- 313 (ii) that include instruction in:
- 314 (A) the success sequence;
- 315 (B) community and personal health, including personal hygiene and the prevention of communicable
 disease;
- 317 (C) physiology;
- 318 (D) human development;
- 319 (E) marriage and safe dating practices;
- 320 (F) refusal skills;
- 321 (G) resilience;
- 322 (H) situational awareness;
- 323 (I) the harmful effects of pornography; and
- 324 (J) the consequences of behaviors that pose a risk to individual health or of failure under the success
 sequence.
- 326 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall
 make rules that:
- 328 (i) ensure that instruction stresses the importance of abstinence from all sexual activity before marriage
 and fidelity after marriage as methods for:
- 330 (A) maintaining mental, physical, and social health, including reducing stress;
- 331 (B) eliminating risks associated with sexual activity, including preventing pregnancy and certain
 communicable diseases; and
- 333 (C) achieving the success sequence;
- 334 (ii) ensure that instruction stresses personal skills that encourage abstinence, the return to abstinence,
 and fidelity;
- 336 (iii) prohibit instruction or discussion, regardless of parental consent or intent to receive the prohibited
 instruction, in or regarding:
- 338 (A) the intricacies of sexual stimulation or erotic behavior;
- 339 (B) the advocacy of premarital or extramarital sexual activity;
- 340 (C) the advocacy or encouragement of the use of contraceptive methods or devices; and
- 342 (D) any means or methods that facilitate or encourage the violation of any state or federal criminal law
 by a minor or an adult, including as a response to a spontaneous question from a student; and
- 345

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- (iv) subject to Subsection (2)(c), allow instruction to include information about contraceptive methods or devices , **not including abortion or any abortive methods,** that stresses effectiveness, **failure rates for youth,** limitations, risks, and information on state law applicable to minors obtaining contraceptive methods or devices.
- 349 (c)
- (i) As used in this Subsection (2), "contraceptive methods or devices" does not include abortion or any abortive methods.
- 351 (ii) Notwithstanding the allowance for instruction about contraceptive methods or devices in Subsection (2)(b):
- 353 (A) the state board may not require an LEA to teach or adopt instructional materials that include information on contraceptive methods or devices; and
- 355 (B) {~~an individual~~} **the instruction** may not demonstrate or otherwise depict the use of a contraceptive method or device.
- 357 (d) The state board shall:
- 358 (i) recommend instructional materials for use in the curricula required under Subsection (2)(a); and
- 360 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for an LEA governing board that adopts alternative instructional materials under Subsection (2)(e) to:
- 363 (A) require the LEA governing board to report on the materials the governing board selects and the governing board's compliance with Subsection (2)(e); and
- 365 (B) provide for an appeal and review process of the LEA governing board's adoption of instructional materials.
- 367 (e)
- (i) An LEA governing board may choose to adopt:
- 368 (A) the instructional materials recommended under Subsection (2)(d); or
- 369 (B) alternative instructional materials in accordance with Subsection (2)(e)(ii).
- 370 (ii) An LEA governing board that adopts instructional materials under Subsection (2)(e)(i) shall:
- 372 (A) ensure that the materials comply with state law and state board rules;
- 373 (B) base the adoption of the materials on the recommendations of the LEA governing board's Curriculum Materials Review Committee;
- 375 (C) adopt the instructional materials in an open and regular meeting of the LEA governing board for which parents of students who attend the respective schools receive prior notice; and

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- 378 (D) give parents an opportunity to express the parents' views and opinions on the materials at the
meeting described in Subsection (2)(e)(ii)(C).
- 380 (f) At the request of the state board, the Department of Health and Human Services shall provide
recommendations to the state board as the state board develops the curriculum, rules, or programs
described in this Subsection (2).
- 383 (3)
- . [(a)] A student shall receive the instruction [~~in the courses~~] described in Subsection (2) on at least two
occasions [~~during the period that begins with~~] between the beginning of grade 8 7 and the end of
grade 12.
- 386 [(b) ~~At the request of the state board, the Department of Health and Human Services shall cooperate~~
~~with the state board in developing programs to provide instruction in those areas.~~]
- 388 (4)
- . (a) The state board shall [~~adopt~~] , in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, make rules that:
- 390 (i) provide [~~that~~] for the compliance with the parental consent requirements of Sections 76-7-322[
{ } and ~~76-7-323 are complied with~~]; and
- 392 (ii) require advance notice to a student's parent [~~to be notified in advance and have~~] that provides
an opportunity to review the information for which parental consent is required under Sections
76-7-322 and 76-7-323.
- 395 (b) The state board shall [~~also~~] provide procedures for disciplinary action for violation of Section
76-7-322 or 76-7-323.
- 397 (5)
- . (a) In [~~keeping with the requirements of~~] accordance with Section 53G-10-204 and Subsection (2)(b)
(iii), and because school employees and volunteers serve as examples to students, school employees
or volunteers acting in an official capacity may not support or encourage criminal conduct by
students, teachers, or volunteers.
- 401 (b) To ensure the effective performance of school personnel, the limitations described in Subsection
(5)(a) also apply to a school employee or volunteer acting outside of the school employee's or
volunteer's official capacity if:
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- (i) the employee or volunteer knew or should have known that the employee's or volunteer's action could result in a material and substantial interference or disruption in the normal activities of the school; and
- 407 (ii) ~~[that]~~ the employee's or volunteer's action ~~[does result]~~ results in a material and substantial interference or disruption in the normal activities of the school.
- 409 (c) The state board or an LEA governing board may not allow training of school employees or volunteers that ~~[support]~~ supports or ~~[encourage]~~ encourages criminal conduct.
- 412 (d) The state board shall~~[-adopt]~~, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules implementing this ~~[section]~~ Subsection (5).
- 415 (e) Nothing in this section limits the ability or authority of the state board or an LEA governing board to enact and enforce rules or take actions that are otherwise lawful~~[-]~~ regarding an educator's, employee's, or volunteer's qualifications or behavior evidencing unfitness for duty.
- 419 (6) Except as provided in Section 53G-10-202, an individual may not teach or provide instruction on political, atheistic, sectarian, religious, or denominational doctrine ~~[may not be taught]~~ in the public schools.
- 422 (7)
- . (a) An LEA governing board and an LEA governing board's employees shall cooperate and share responsibility in carrying out the purposes of this chapter.
- 424 (b) An LEA governing board shall:
- 425 (i)
- . (A) ~~[-]~~provide appropriate professional development for the LEA governing board's teachers, counselors, and school administrators to enable the teachers, counselors, and school administrators to understand, protect, and properly instruct students in the values and character traits referred to in this section and Sections 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, and 53G-10-205~~[-]~~ ; and~~[-]~~
- 431 (B) distribute appropriate written materials on the values, character traits, and conduct described in Subsection (7)(b)(i) to each individual receiving the professional development~~[-]~~ ; and
- 434 ~~[(e)]~~ (ii) ~~[An LEA governing board shall]~~make the written materials described in Subsection (7)(b) available to classified employees, students, and students' parents.
- 436 ~~[(d)]~~ (c) ~~[In order to]~~ To assist an LEA governing board in providing the professional development required under Subsection (7)(b), the state board shall, as appropriate, contract with a qualified

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individual or entity possessing expertise in the areas ~~[referred to]~~ described in Subsection (7)(b) to develop and disseminate model teacher professional development programs that an LEA governing board may use to train the individuals ~~[referred to]~~ described in Subsection (7)(b) to effectively teach the values and qualities of character ~~[referenced]~~ described in Subsection (7)(b).

443 ~~[(e)]~~ (d) In accordance with ~~[the provisions of]~~ Subsection (5)(c), professional development may not support or encourage criminal conduct.

445 (8) An LEA governing board shall review every two years:

446 (a) LEA governing board policies on instruction described in this section;

447 (b) for a local school board, data for each county ~~[that]~~ in which the school district is located~~[-in]~~, or, for a charter school governing board, data for the county in which the charter school is located, on the following:

450 (i) teen pregnancy;

451 (ii) child sexual abuse; and

452 (iii) sexually transmitted diseases and sexually transmitted infections; and

453 (c) the number of pornography complaints or other instances reported within the jurisdiction of the LEA governing board.

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

397 Section 6. Section **53G-10-403** is amended to read:

398 **53G-10-403. (Effective 07/01/26)Required parental consent for sex education instruction.**

461 (1) As used in this section:

462 (a)

(i) "Sex education instruction" means, for the purpose of the parental consent requirement in this section, any course material, unit, class, lesson, activity, or presentation that, as the focus of the discussion, provides instruction or information to a student about:

466 (A) sexual abstinence;

467 (B) human ~~[sexuality]~~ development, including puberty and maturation;

468 (C) human ~~[reproduction]~~ reproductive processes, including conception, fetal development, pregnancy, and birth;

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- 470 (D) human reproductive anatomy; and{-}
- 471 [~~E~~] physiology;
- 472 [~~F~~] pregnancy;
- 473 [~~G~~] (E) healthy dating practices, marriage, and parenthood, in accordance with the success
sequence as defined in Section 53G-10-402;
- 475 [~~H~~] childbirth;
- 476 [~~I~~] parenthood;
- 477 (F) adoption in accordance with Section 53G-10-404;
- 478 [~~J~~] (G) [~~contraception~~] information about contraceptive methods or devices in accordance with
Subsections 53G-10-402(2)(b) and (c);
- 480 [~~K~~] HIV/AIDS;
- 481 [~~L~~] (H) chronic, infectious, and acute diseases and conditions of the reproductive system,
including sexually transmitted infections and diseases; or
- 483 [~~M~~] (I) refusal skills, as defined in Section 53G-10-402.
- 484 (ii) "Sex education instruction" does not include: {H}
- 485 (A) child sexual abuse prevention instruction described in Section 53G-9-207; or
- 486 (B) instruction in refusal skills or situational awareness, as those terms are defined in Section
53G-10-402.
- 488 (b) "School" means the same as that term is defined in Section 53G-10-205.
- 489 (2)
- . (a) A school shall obtain prior written consent from a student's parent before the school may provide
sex education instruction to the student.
- 491 (b) A school may not provide:
- 492 (i) sex education instruction to a student without the prior written consent described in Subsection (2)
(a); or
- 494 (ii) any instruction related to sex that is not:
- 495 (A) described in the definition of sex education and subject to the prior written consent described in
Subsection (2)(a); or
- 497 (B) otherwise provided for or described in Section 53G-10-402.
- 498 (3) If a student's parent chooses not to have the student participate in sex education instruction, a school
shall:

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- 500 (a) waive the requirement for the student to participate in the sex education instruction; or
502 (b) provide the student with a reasonable alternative to the sex education instruction requirement that
does not include the content described in Subsection (1)(a).
- 504 (4) In cooperation with the student's teacher or school, a parent [~~shall take responsibility for the parent's~~
~~student's-~~] is responsible for the sex education instruction of the parent's student if a school:
- 507 (a) waives the student's sex education instruction requirement [~~in~~] under Subsection (3)(a); or
509 (b) provides the student with a reasonable alternative to the sex education instruction requirement
[~~described in~~] under Subsection (3)(b).
- 511 (5) A school, an LEA governing board, or the state board may not penalize a student's academic or
citizenship performance [~~may not be penalized-~~]if the student's parent chooses not to have the
student participate in sex education instruction as described in Subsection (3).

454 Section 7. **Effective date.**

~~{This}~~ Except as provided in Subsection (2), this bill takes effect ~~{on}~~ July 1, 2025.

456 (2) The actions affecting the following sections take effect on July 1, 2026:

457 (a) Section 53G-10-402 (Effective 07/01/26); and

458 (b) Section 53G-10-403 (Effective 07/01/26).

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