

HB0281S03 compared with HB0281

{Omitted text} shows text that was in HB0281 but was omitted in HB0281S03

inserted text shows text that was not in HB0281 but was inserted into HB0281S03

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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

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~~} informed 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~~} certain restricted services,
including:

13 • identifying who may and may not provide {~~in-school mental health therapy~~} a restricted
service; and

14 • requiring informed parental consent and certain parental notification;

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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:
- 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 informed 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 Other Special Clauses:

29 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

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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.

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:

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- (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;
- 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.

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- 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:
- 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.**

Except as provided in Part 9, Mental Health Services in Public Schools, before a health

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~~{Before a health}~~ care provider, as defined in Section 58-80a-102, may provide or facilitate a health care service
~~{facilitate}~~ in a ~~{health care service}~~ public school that is not traditionally available to a student in a public school, the health
~~{the health}~~ care provider shall obtain the informed written or verbal consent of the student's parent for the
health care service.

49 Section 2. Section 2 is enacted to read:

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Part 9. Mental Health Services in Public Schools

51 **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:} }~~

53 (1) "Authorized personnel" means an individual:

54 (a)

(i) who holds a license:

151 ~~{(i)}~~ (A) {mental health therapy} as a school psychologist, as defined in Section {26B-1-329} 53F-5-218;

152 ~~{(ii)}~~ (B) {the practice of mental health therapy} as a school social worker, as defined in Section {58-61-102} 53F-5-218;

57 (C) under Title 58, Chapter 61, Psychologist Licensing Act;

58 (D) under Title 58, Chapter 60, Part 2, Social Worker Licensing Act;

59 (E) under Title 58, Chapter 60, Part 3, Marriage and Family Therapist Licensing Act; or

61 (F) under Title 58, Chapter 60, Part 4, Clinical Mental Health Counselor Licensing Act; or

63 (ii) whom an individual described in Subsection (1)(a)(i) supervises, to the extent the individual's actions fall within the scope of the supervision; and

65 (b) whom an LEA or school employs, engages by contract, or engages by agreement, to support students' mental health through a restricted service in accordance with the scope of the individual's license or certification described in Subsection (1)(a).

68 (2)

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- 153 ~~{(iii)}~~ (a) {the diagnosis of} "Restricted service" means a mental health ~~{disorder;}~~ service that
 takes place in a school setting.
- 154 ~~{(iv) {psychoanalysis;}}~~
- 155 ~~{(v) {psychotherapy;}}~~
- 156 ~~{(vi) {hypnotherapy; or}}~~
- 157 ~~{(vii) {neuropsychology;}}~~
- 158 (b) ~~{ "In-school mental health therapy" }~~ "Restricted service" 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} a restricted
 service; or
- 161 (iii) engaging in generalized crisis response {protocols that the state board establishes} , which does not
 include one-on-one {counseling} 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}}
- 168 ~~{(b) {whom an LEA or school employs, or engages by contract, to support students' mental health~~
 through in-school mental health therapy.}}
- 75 Section 3. Section 3 is enacted to read:
- 76 **53G-9-902. (Effective 07/01/25){Parental} Informed parental consent required -- Parental**
notification required.
- 172 (1) Except as provided in a student's IEP or {504} Section 504 accommodation plan:
- 173 (a) an individual who is not {a school-based mental health therapist} authorized personnel may not
 provide {in-school mental health therapy} a restricted service; and
- 81 (b) authorized personnel may not provide a restricted service:
- 82 (i) outside the scope of the relevant license; or
- 175 ~~{(b)}~~ (ii) {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

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- (2) For { a school-based mental health therapist } authorized personnel to provide { in-school mental health therapy } a restricted service:
- 178 (a) the relevant LEA, school, or { school-based mental health therapist } authorized personnel shall obtain informed written parental consent before the first { instance } session of { in-school mental health therapy } a restricted service in a given school year { ~~;~~ and } , using a standard form that includes:
- 88 (i) fields for at least the following information:
- 89 (A) the name of the student;
- 90 (B) the name of the individual giving informed consent; and
- 91 (C) the name of each authorized personnel who has authority under the informed written consent to provide a restricted service;
- 93 (ii) a statement that the authorized personnel will provide information about the restricted service in accordance with Subsection (2)(b), including that the parent has the right to opt out of receiving notifications at any time; and
- 96 (iii) a statement that authorized personnel will adhere to the topics or issues the parent identifies, in collaboration with authorized personnel, for discussion or exclusion with the student under Subsection (3)(a), except that the authorized personnel may address topics if the omission would compromise the student's immediate safety, the omission would violate mandatory reporting obligations, or, based on behaviors or statements the authorized personnel observes, the authorized personnel determines a need to assess the student's safety; and
- 181 (b) { ~~after each instance~~ } unless the student's parent opts out of { in-school mental health therapy, on } receiving notifications from the { day of the instance } authorized personnel under this Subsection (2)(b), within one business day after each session of a restricted service, the { school-based mental health therapist } authorized personnel shall provide to the student's parent:
- 183 (i) notice that the { instance } restricted service took place; and
- 184 (ii) a description of the topic { ~~and content~~ } of the { therapy } restricted service.
- 185 (3)
- (a)
- (i) When obtaining the informed written parental consent described in Subsection (2)(a), the LEA { or school } , school, or authorized personnel shall , through consultation with the parent,

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- provide the parent an opportunity to identify topics or issues the parent intends {a school-based mental health therapist} the authorized personnel to address or to not address with the student.
- 189 (ii) {A school-based mental health therapist} Except as described in Subsection (3)(a)(iii), authorized personnel may not address a topic or issue for which a parent has expressly stated an intent for {the therapist} authorized personnel to not address with the student under this Subsection (3)(a).
- 116 (iii) Subsection (3)(a)(ii) does not apply if:
- 117 (A) an omission within a restricted service would compromise the student's immediate safety; or
- 119 (B) the student discloses information that creates a duty on the authorized personnel to make a mandatory report for the purpose of discussing the information with the student to the extent necessary to make the report, including for suspected cases of child abuse or neglect under Section 80-2-602, abuse of a student under Section 53E-6-701, or any other legally mandated duty to report an incident.
- 125 (b)
- 192 {~~(b)~~} (i) The requirement to obtain prior informed written parental consent before providing {in-school mental health therapy} a restricted service 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.
- 130 (ii) For a circumstance described in Subsection (3)(b)(i), the LEA, school, or authorized personnel shall notify a parent in accordance with Section 53G-9-604.
- 196 (c) A student's IEP or {504} Section 504 accommodation plan that includes {in-school mental health therapy} a restricted service satisfies the informed 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} authorized personnel, educators, and school support staff on conduct and practices that constitute and do not constitute {in-school mental health therapy} a restricted service.

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

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

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

145 **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
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.

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

165 **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) "LEA governing board" means a local school board or charter school governing board.

231 (b) "Refusal skills" means instruction:

232 (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;

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- (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
- 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 within a healthy and stable family and marriage.
- 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:~~]

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- 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]~~
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

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- 302 ~~[(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]~~
- 304 ~~[(iv) give parents an opportunity to express the parents' views and opinions on the materials at the meeting described in Subsection (2)(h)(iii).]~~
- 306 (2)
- 307 (a) In accordance with Section 53E-3-501, the state board shall establish health curriculum requirements:
- 308 (i) for the purpose of:
- 309 (A) equipping students with practical safety skills regarding sexual abuse, trafficking, and harassment;
- 310 (B) promoting respect for humankind and individual responsibility;
- 311 (C) fostering character development and decision making through the success sequence; and
- 312 (D) encouraging healthy personal and family relationships; and
- 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;
- 316 (C) physiology;
- 317 (D) human development;
- 318 (E) marriage and safe dating practices;
- 319 (F) refusal skills;
- 320 (G) resilience;
- 321 (H) situational awareness;
- 322 (I) the harmful effects of pornography; and
- 323 (J) the consequences of behaviors that pose a risk to individual health or of failure under the success sequence.
- 324 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that:
- 325 (i) ensure that instruction stresses the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for:
- 326 (A) maintaining mental, physical, and social health, including reducing stress;
- 331

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- (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 (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

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- 365 (B) provide for an appeal and review process of the LEA governing board's adoption of instructional
366 materials.
- 367 (e)
- 368 (i) An LEA governing board may choose to adopt:
- 369 (A) the instructional materials recommended under Subsection (2)(d); or
- 370 (B) alternative instructional materials in accordance with Subsection (2)(e)(ii).
- 371 (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
374 Curriculum Materials Review Committee;
- 375 (C) adopt the instructional materials in an open and regular meeting of the LEA governing board for
376 which parents of students who attend the respective schools receive prior notice; and
- 377 (D) give parents an opportunity to express the parents' views and opinions on the materials at the
378 meeting described in Subsection (2)(e)(ii)(C).
- 379 (f) At the request of the state board, the Department of Health and Human Services shall provide
380 recommendations to the state board as the state board develops the curriculum, rules, or programs
381 described in this Subsection (2).
- 382 (3)
- 383 ~~[(a)]~~ A student shall receive the instruction ~~[in the courses-]~~ described in Subsection (2) on at least two
384 occasions ~~[during the period that begins with]~~ between the beginning of grade ~~[8]~~ 7 and the end of
385 grade 12.
- 386 ~~[(b) At the request of the state board, the Department of Health and Human Services shall cooperate~~
387 ~~with the state board in developing programs to provide instruction in those areas.]~~
- 388 (4)
- 389 (a) The state board shall ~~[-adopt]~~ , in accordance with Title 63G, Chapter 3, Utah Administrative
390 Rulemaking Act, make rules that:
- 391 (i) provide ~~[that]~~ for the compliance with the parental consent requirements of Sections 76-7-322 ~~[~~
392 ~~{f} and 76-7-323 are complied with]; and~~
- 393 (ii) require advance notice to a student's parent ~~[-to be notified in advance and have]~~ that provides
394 an opportunity to review the information for which parental consent is required under Sections
395 76-7-322 and 76-7-323.

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- 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:
- 404 (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)

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- (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
434 Subsection (7)(b)(i) to each individual receiving the professional development[-] ; and
436 [(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
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 [~~refereneed~~] 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.

HB0281 compared with HB0281S03

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

405 **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;

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:~~{FF}~~

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)

HB0281 compared with HB0281S03

- (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:
- 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).

461 Section 7. **Effective date.**

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

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

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

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

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