

53A-11-1202 Definitions.

As used in this part:

- (1) "Bigotry" means action or advocacy of imminent action involving:
 - (a) the harassment or denigration of a person or entity; or
 - (b) any intent to cause a person not to freely enjoy or exercise any right secured by the constitution or laws of the United States or the state, except that an evaluation or prohibition may not be made of the truth or falsity of any religious belief or expression of conscience unless the means of expression or conduct arising therefrom violates the standards of conduct outlined in this section, Section 53A-13-101.3, or 20 U.S.C. Section 4071(f).
- (2) "Club" means any student organization that meets during noninstructional time.
- (3) "Conscience" means a standard based upon learned experiences, a personal philosophy or system of belief, religious teachings or doctrine, an absolute or external sense of right and wrong which is felt on an individual basis, a belief in an external absolute, or any combination of the foregoing.
- (4) "Curricular club" means a club that is school sponsored and that may receive leadership, direction, and support from the school or school district beyond providing a meeting place during noninstructional time. An elementary school curricular club means a club that is organized and directed by school sponsors at the elementary school. A secondary school curricular club means a club:
 - (a) whose subject matter is taught or will soon be taught in a regular course;
 - (b) whose subject matter concerns the body of courses as a whole;
 - (c) in which participation is required for a particular course; or
 - (d) in which participation results in academic credit.
- (5)
 - (a) "Discretionary time" means school-related time for students that is not instructional time.
 - (b) "Discretionary time" includes free time before and after school, during lunch and between classes or on buses, and private time before athletic and other events or activities.
- (6)
 - (a) "Encourage criminal or delinquent conduct" means action or advocacy of imminent action that violates any law or administrative rule.
 - (b) "Encourage criminal or delinquent conduct" does not include discussions concerning changing of laws or rules, or actions taken through lawfully established channels to effectuate such change.
- (7)
 - (a) "Instructional time" means time during which a school is responsible for a student and the student is required or expected to be actively engaged in a learning activity.
 - (b) "Instructional time" includes instructional activities in the classroom or study hall during regularly scheduled hours, required activities outside the classroom, and counseling, private conferences, or tutoring provided by school employees or volunteers acting in their official capacities during or outside of regular school hours.
- (8) "Involve human sexuality" means:
 - (a) presenting information in violation of laws governing sex education, including Sections 53A-13-101 and 53A-13-302;
 - (b) advocating or engaging in sexual activity outside of legally recognized marriage or forbidden by state law; or
 - (c) presenting or discussing information relating to the use of contraceptive devices or substances, regardless of whether the use is for purposes of contraception or personal health.

- (9) "Limited open forum" means a forum created by a school district or charter school for student expression within the constraints of Subsection 53A-13-101.3(2)(b).
- (10) "Noncurricular club" is a student initiated group that may be authorized and allowed school facilities use during noninstructional time in secondary schools by a school and school governing board in accordance with the provisions of this part. A noncurricular club's meetings, ideas, and activities are not sponsored or endorsed in any way by a school governing board, the school, or by school or school district employees.
- (11) "Noninstructional time" means time set aside by a school before instructional time begins or after instructional time ends, including discretionary time.
- (12) "Religious club" means a noncurricular club designated in its application as either being religiously based or based on expression or conduct mandated by conscience.
- (13) "School" means a public school, including a charter school.
- (14)
 - (a) "School facilities use" means access to a school facility, premises, or playing field.
 - (b) "School facilities use" includes access to a limited open forum.
- (15) "School governing board" means a local school board or charter school board.

Amended by Chapter 403, 2011 General Session