

Effective 5/12/2015

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

(1) As used in this section:

(a)

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

- (A) sexual abstinence;
- (B) human sexuality;
- (C) human reproduction;
- (D) reproductive anatomy;
- (E) physiology;
- (F) pregnancy;
- (G) marriage;
- (H) childbirth;
- (I) parenthood;
- (J) contraception;
- (K) HIV/AIDS; or
- (L) sexually transmitted diseases.

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

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

(c) "School" means a public school.

(2) If a parent of a student, or a secondary student, determines that the student's participation in a portion of the curriculum or in an activity would require the student to affirm or deny a religious belief or right of conscience, or engage or refrain from engaging in a practice forbidden or required in the exercise of a religious right or right of conscience, the parent or the secondary student may request:

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

(3) The school shall promptly notify a student's parent if the secondary student makes a request under Subsection (2).

(4) If a request is made under Subsection (2), the school shall:

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

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

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

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

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

- (8) In cooperation with the student's teacher or school, a parent shall take responsibility for the parent's student's human sexuality instruction if a school:
 - (a) waives the student's human sexuality instruction requirement in Subsection (7)(a); or
 - (b) provides the student with a reasonable alternative to the human sexuality instruction requirement described in Subsection (7)(b).
- (9) A student's academic or citizenship performance may not be penalized if:
 - (a) the secondary student or the student's parent chooses to exercise a religious right or right of conscience in accordance with the provisions of this section; or
 - (b) the student's parent chooses not to have the student participate in human sexuality instruction as described in Subsection (7).

Amended by Chapter 91, 2015 General Session