

PUBLIC EDUCATION CURRICULUM AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Bill Wright

AN ACT RELATING TO PUBLIC SCHOOLS; MODIFYING THE INSTRUCTION REQUIREMENTS PERTAINING TO COMMUNITY AND PERSONAL HEALTH, PHYSIOLOGY, PERSONAL HYGIENE, AND THE PREVENTION OF COMMUNICABLE DISEASE CURRICULUM TAUGHT IN GRADES EIGHT THROUGH 12; AND MAKING CERTAIN TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-13-101, as last amended by Chapter 10, Laws of Utah 1996, Second Special Session
Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-13-101** is amended to read:

53A-13-101. Instruction in health -- Parental consent requirements -- Character habits -- Conduct and speech of school employees and volunteers -- Political and religious doctrine prohibited.

(1) (a) The State Board of Education shall establish curriculum requirements under Section 53A-1-402, that include instruction in:

- (i) community and personal health;
- (ii) physiology;
- (iii) personal hygiene; and
- (iv) prevention of communicable disease.

~~[(b) That instruction shall stress the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases.]~~

(b) (i) Instruction relating to sexual activity shall teach only:

(A) abstinence from sexual activity before marriage and fidelity after marriage;

(B) personal skills that encourage individual choice of abstinence and fidelity; and

(C) the consequences of premarital sexual activities for adolescents with respect to criminal

conduct, pregnancy, AIDS, and other sexually transmitted diseases, and the failure of contraceptives as a protective strategy.

(ii) At no time may instruction be provided regarding any means or methods that facilitate or encourage the violation of any state or federal criminal law by a minor or an adult.

(iii) At the prior written request of a parent or legal guardian, and in accordance with the requirements of Sections 76-7-322 and 76-7-323, a local school board may provide for instruction which:

(A) offers information on abstinence only which eliminates the risk of sexually transmitted diseases and unwanted pregnancies; and

(B) stresses, in connection with the information offered in Subsection (1)(b)(iii)(A), the importance of abstinence from sexual activity before marriage and fidelity after marriage in reducing and eliminating the risk of psychological and physical harms which may result from illicit sexual activity, and that extramarital sexual activity is a violation of the law.

(iv) Materials used in the instruction given under Subsection (1)(b)(i) shall be determined by local school boards with an advisory committee including parents with children in the school system.

(2) (a) Instruction in the courses described in Subsection (1) shall be consistent and systematic in grades eight through 12.

(b) At the request of the board, the Department of Health shall cooperate with the board in developing programs to provide instruction in those areas.

(3) (a) The board shall adopt rules that:

(i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323 are complied with; and

(ii) require a student's parent or legal guardian to be notified in advance and have an opportunity to review the information for which parental consent is required under Sections 76-7-322 and 76-7-323.

(b) The board shall also provide procedures for disciplinary action for violation of Section 76-7-322 or 76-7-323.

(4) Honesty, temperance, morality, courtesy, obedience to law, respect for and an

understanding of the Declaration of Independence and the Constitutions of the United States and the state of Utah, Utah history including territorial and preterritorial development to the present, the essentials and benefits of the free enterprise system, respect for parents and home, and the dignity and necessity of honest labor and other skills, habits, and qualities of character which will promote an upright and desirable citizenry and better prepare students for a richer, happier life shall be taught in connection with regular school work.

(5) (a) In keeping with the requirements of Subsection (4), and because school employees and volunteers serve as examples to their students, school employees or volunteers acting in their official capacities may not support or encourage criminal conduct by students, teachers, or volunteers.

(b) To ensure the effective performance of school personnel, the limitations described in Subsection (5)(a) also apply to school employees or volunteers acting outside of their official capacities if:

(i) they knew or should have known that their action could result in a material and substantial interference or disruption in the normal activities of the school; and

(ii) that action does result in a material and substantial interference or disruption in the normal activities of the school.

(c) Neither the State Office of Education nor local school districts may provide training of school employees or volunteers that supports or encourages criminal conduct.

(d) The State Board of Education shall adopt rules implementing this section.

(e) Nothing in this section limits the ability or authority of the State Board of Education and local school boards to enact and enforce rules or take actions that are otherwise lawful, regarding educators', employees', or volunteers' qualifications or behavior evidencing unfitness for duty.

(6) Except as provided in Section 53A-13-101.1, political, atheistic, sectarian, religious, or denominational doctrine may not be taught in the public schools.

(7) (a) Local school boards and their employees shall cooperate and share responsibility in carrying out the purposes of this chapter.

(b) Each school district shall provide appropriate inservice training for its teachers, counselors, and school administrators to enable them to understand, protect, and properly instruct

students in the values and character traits referred to in this section and Sections 53A-13-101.1, 53A-13-101.2, 53A-13-101.3, 53A-13-301, and 53A-13-302 and distribute appropriate written materials on the values, character traits, and conduct to each individual receiving the inservice training.

(c) The written materials shall also be made available to classified employees, students, and parents and guardians of students.

(d) In order to assist school districts in providing the inservice training required under Subsection (7)(b), the State Board of Education shall, as appropriate, contract with a qualified individual or entity possessing expertise in the areas referred to in Subsection (7)(b) to develop and disseminate model teacher inservice programs which districts may use to train the individuals referred to in Subsection (7)(b) to effectively teach the values and qualities of character referenced in that subsection.

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

(8) 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.