

1 **PUBLIC EDUCATION CURRICULUM**

2 **AMENDMENTS**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Bill Wright**

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

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

12 AMENDS:

13 **53A-13-101**, as last amended by Chapter 10, Laws of Utah 1996, Second Special Session

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

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

16 **53A-13-101. Instruction in health -- Parental consent requirements -- Character**  
17 **habits -- Conduct and speech of school employees and volunteers -- Political and religious**  
18 **doctrine prohibited.**

19 (1) (a) The State Board of Education shall establish curriculum requirements under Section  
20 53A-1-402, that include instruction in:

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

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

28           (b) (i) That instruction shall teach only:  
29           (A) abstinence from sexual activity before marriage and fidelity after marriage;  
30           (B) personal skills that encourage individual choice of abstinence and fidelity; and  
31           (C) the negative consequences that occur when criminal prohibitions against fornication,  
32 adultery, and sodomy are violated by minors or adults.

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

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

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

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

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

42           (ii) require a student's parent or legal guardian to be notified in advance and have an  
43 opportunity to review the information for which parental consent is required under Sections  
44 76-7-322 and 76-7-323.

45           (b) The board shall also provide procedures for disciplinary action for violation of Section  
46 76-7-322 or 76-7-323.

47           (4) Honesty, temperance, morality, courtesy, obedience to law, respect for and an  
48 understanding of the Declaration of Independence and the Constitutions of the United States and  
49 the state of Utah, Utah history including territorial and preterritorial development to the present,  
50 the essentials and benefits of the free enterprise system, respect for parents and home, and the  
51 dignity and necessity of honest labor and other skills, habits, and qualities of character which will  
52 promote an upright and desirable citizenry and better prepare students for a richer, happier life  
53 shall be taught in connection with regular school work.

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

58           (b) To ensure the effective performance of school personnel, the limitations described in

59 Subsection (5)(a) also apply to school employees or volunteers acting outside of their official  
60 capacities if:

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

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

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

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

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

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

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

76 (b) Each school district shall provide appropriate inservice training for its teachers,  
77 counselors, and school administrators to enable them to understand, protect, and properly instruct  
78 students in the values and character traits referred to in this section and Sections 53A-13-101.1,  
79 53A-13-101.2, 53A-13-101.3, 53A-13-301, and 53A-13-302 and distribute appropriate written  
80 materials on the values, character traits, and conduct to each individual receiving the inservice  
81 training.

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

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

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

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

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**Legislative Review Note**

**as of 2-8-00 7:06 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**