

1                   **PROTECTIONS ON PARENTAL GUIDANCE IN PUBLIC**  
2   **SCHOOLS**

3   2015 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Brad L. Dee**

6   Senate Sponsor: J. Stuart Adams

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8 **LONG TITLE**

9 **General Description:**

10           This bill amends provisions related to human sexuality instruction in public schools.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ requires a school to obtain prior written consent from a student's parent before the
- 14 school can provide human sexuality instruction to a student;
- 15           ▶ at a parent's choosing, requires a school to:
  - 16           • waive a student's human sexuality instruction requirements; or
  - 17           • provide a student with a reasonable alternative to the human sexuality
- 18 instruction requirement; and
- 19           ▶ provides that a student's academic or citizenship performance may not be penalized
- 20 if a parent chooses not to have a student participate in human sexuality instruction.

21 **Money Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**

26 AMENDS:

27           **53A-13-101.2**, as last amended by Laws of Utah 2007, Chapter 114

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

30 Section 1. Section **53A-13-101.2** is amended to read:

31 **53A-13-101.2. Waivers of participation -- Required parental consent for human**  
32 **sexuality instruction.**

33 (1) As used in this section:

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

37 (A) sexual abstinence;

38 (B) human sexuality;

39 (C) human reproduction;

40 (D) reproductive anatomy;

41 (E) physiology;

42 (F) pregnancy;

43 (G) marriage;

44 (H) childbirth;

45 (I) parenthood;

46 (J) contraception;

47 (K) HIV/AIDS; or

48 (L) sexually transmitted diseases.

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

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

52 (c) "School" means a public school.

53 ~~[(+)]~~ (2) If a parent ~~[with legal custody or other legal guardian]~~ of a student, or a  
54 secondary student, determines that the student's participation in a portion of the curriculum or  
55 in an activity would require the student to affirm or deny a religious belief or right of  
56 conscience, or engage or refrain from engaging in a practice forbidden or required in the  
57 exercise of a religious right or right of conscience, the parent~~[-guardian,]~~ or the secondary

58 student may request:

59 (a) a waiver of the requirement to participate; or

60 (b) a reasonable alternative that requires reasonably equivalent performance by the  
61 student of the secular objectives of the curriculum or activity in question.

62 ~~[(2)]~~ (3) The school shall promptly notify a student's parent ~~[or guardian]~~ if the  
63 secondary student makes a request under Subsection ~~[(1)]~~ (2).

64 ~~[(3)]~~ (4) If a request is made under Subsection ~~[(1)]~~ (2), the school shall:

65 (a) waive the participation requirement;

66 (b) provide a reasonable alternative to the requirement; or

67 (c) notify the requesting party that participation is required.

68 ~~[(4)]~~ (5) The school shall ensure that the provisions of Subsection 53A-13-101.3(3) are  
69 met in connection with any required participation under Subsection ~~[(3)]~~ (4)(c).

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

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

74 (a) waive the requirement for the student to participate in the human sexuality  
75 instruction; or

76 (b) provide the student with a reasonable alternative to the human sexuality instruction  
77 requirement.

78 (8) In cooperation with the student's teacher or school, a parent shall take responsibility  
79 for the parent's student's human sexuality instruction if a school:

80 (a) waives the student's human sexuality instruction requirement in Subsection (7)(a);

81 or

82 (b) provides the student with a reasonable alternative to the human sexuality  
83 instruction requirement described in Subsection (7)(b).

84 ~~[(5)]~~ (9) A student's academic or citizenship performance may not be penalized ~~[by~~  
85 school officials for the] if:

86           (a) the secondary student or the student's parent chooses to exercise [~~of~~] a religious  
87 right or right of conscience in accordance with the provisions of this section[~~;~~]; or

88           (b) the student's parent chooses not to have the student participate in human sexuality  
89 instruction as described in Subsection (7).