

## HB0447S02 compared with HB0447S01

~~text~~ shows text that was in HB0447S01 but was deleted in HB0447S02.

text shows text that was not in HB0447S01 but was inserted into HB0447S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

**Representative Brad L. Dee** proposes the following substitute bill:

### **PROTECTIONS ON PARENTAL GUIDANCE IN PUBLIC SCHOOLS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad L. Dee**

Senate Sponsor: \_\_\_\_\_

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#### **LONG TITLE**

##### **General Description:**

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

##### **Highlighted Provisions:**

This bill:

- ▶ requires a school to obtain prior written consent from a student's parent before the school can provide human sexuality instruction to a student;
- ▶ at a parent's choosing, requires a school to:
  - waive a student's human sexuality instruction requirements; or
  - provide a student with a reasonable alternative to the human sexuality instruction requirement; and

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- ▶ provides that a student's academic or citizenship performance may not be penalized if a parent chooses not to have a student participate in human sexuality instruction.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

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

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

**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, ~~discussion,~~ 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

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instruction described in Section 53A-13-112.

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

(c) "School" means a public school.

~~[(1)]~~ (2) If a parent ~~[with legal custody or other legal guardian]~~ 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 ~~[, guardian,]~~ 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.

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

~~[(3)]~~ (4) If a request is made under Subsection ~~[(1)]~~ (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.

~~[(4)]~~ (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 ~~[(3)]~~ (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);

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or

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

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

(a) the secondary student or the student's parent chooses to exercise ~~[of]~~ 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).