

# HB0286S01 compared with HB0286

~~{deleted text}~~ shows text that was in HB0286 but was deleted in HB0286S01.

Inserted text shows text that was not in HB0286 but was inserted into HB0286S01.

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Representative Justin L. Fawson proposes the following substitute bill:

## REPRODUCTIVE EDUCATION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Justin L. Fawson**

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

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### LONG TITLE

#### General Description:

This bill amends and enacts provisions related to instruction in ~~{child sexual abuse prevention and reproductive}~~ health and sex education.

#### Highlighted Provisions:

This bill:

- ▶ ~~{amends provisions related to}~~ defines terms;
- ▶ modifies instruction in ~~{child sexual abuse prevention;~~
- ▶ ~~repeals outdated language;~~
- ▶ ~~defines terms related to reproductive health instruction;~~
- ▶ ~~requires the State Board of Education (board) to establish reproductive health instruction standards;~~
- ▶ ~~requires that reproductive health instruction standards emphasize abstinence and~~

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- ~~prohibit certain instruction;~~
- ~~→ gives the board rulemaking authority;~~
- ~~→ requires the board to enter into a contract with one or more providers to provide technology-based reproductive health instruction;~~
- ~~→ permits a local school board to adopt reproductive health instruction provided under a contract with the board or other instruction materials;~~
- ~~→ requires a local school board to review certain information every two years;~~ health to include instruction in the harmful effects of pornography and refusal skills;
- ▶ clarifies ambiguous language ~~{ about school employees' and volunteers' involvement with reproductive health instruction }~~, updates outdated terminology, and repeals repetitive language;
- ▶ amends definitions for required parental consent ~~{ for reproductive health instruction;~~
- ~~→ requires the board to establish a reproductive health instruction review committee (committee);~~
- ~~→ establishes the membership and duties of the committee; and~~
  - ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

~~{ 53G-9-207, as renumbered and amended by Laws of Utah 2018, Chapter 3~~

~~‡ 53G-10-402, as renumbered and amended by Laws of Utah 2018, Chapter 3~~

~~53G-10-403, as enacted by Laws of Utah 2018, Chapter 3~~

~~{ ENACTS:~~

~~53G-10-407, Utah Code Annotated 1953~~

~~}~~

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

Section 1. Section ~~{ 53G-9-207 }~~ 53G-10-402 is amended to read:

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~~{ 53G-9-207. Child sexual abuse prevention:~~

~~—— (1) As used in this section, "school personnel" [is as] means the same as that term is defined in Section 53G-9-203.~~

~~—— (2) [On or before July 1, 2015, the] The State Board of Education shall:~~

~~—— (a) approve, in partnership with the Department of Human Services, age-appropriate technology-based instructional materials for the training and instruction described in Subsections (3)(a) and (4)[.]; and~~

~~—— (b) issue a request for proposals and enter into a contract for the technology-based instructional materials in accordance with Section 53G-10-402.~~

~~—— (3) (a) [Beginning in the 2016-17 school year, a] A school district or charter school shall provide training and instruction on child sexual abuse prevention and awareness to:~~

~~—— (i) school personnel in elementary and secondary schools on:~~

~~—— (A) responding to a disclosure of child sexual abuse in a supportive, appropriate manner; and~~

~~—— (B) the mandatory reporting requirements described in Sections 53E-6-701 and 62A-4a-403; and~~

~~—— (ii) parents or guardians of elementary school students on:~~

~~—— (A) recognizing warning signs of a child who is being sexually abused; and~~

~~—— (B) effective, age-appropriate methods for discussing the topic of child sexual abuse with a child.~~

~~—— (b) A school district or charter school shall use the instructional materials approved by the State Board of Education under Subsection (2) to provide the training and instruction to school personnel and parents or guardians under Subsection (3)(a).~~

~~—— (4) (a) In accordance with Subsections (4)(b) and (5), a school district or charter school may provide instruction on child sexual abuse prevention and awareness to elementary school students using age-appropriate curriculum.~~

~~—— (b) [Beginning in the 2016-17 school year, a] A school district or charter school that provides the instruction described in Subsection (4)(a) shall use the instructional materials approved by the board under Subsection (2) to provide the instruction.~~

~~—— (5) (a) An elementary school student may not be given the instruction described in Subsection (4) unless the parent or guardian of the student is:~~

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- ~~—— (i) notified in advance of the:~~
- ~~—— (A) instruction and the content of the instruction; and~~
- ~~—— (B) parent or guardian's right to have the student excused from the instruction;~~
- ~~—— (ii) given an opportunity to review the instructional materials before the instruction occurs; and~~
- ~~—— (iii) allowed to be present when the instruction is delivered.~~
- ~~—— (b) Upon the written request of the parent or guardian of an elementary school student, the student shall be excused from the instruction described in Subsection (4).~~
- ~~—— (c) Participation of a student requires compliance with Sections 53E-9-202 and 53E-9-203.~~
- ~~—— (6) A school district or charter school may determine the mode of delivery for the training [and instruction] described in [Subsections (3) and (4)] Subsection (3).~~
- ~~—— [(7) (a) The State Board of Education shall report to the Education Interim Committee on the progress of the provisions of this section by the committee's November 2017 meeting.]~~
- ~~—— [(b) Upon request of the State Board of Education, a school district or charter school shall provide to the State Board of Education information that is necessary for the report required under Subsection (7)(a).]~~
- ~~—— Section 2. Section **53G-10-402** is amended to read:~~

‡ **53G-10-402. Instruction in ~~{reproductive}~~ health -- Parental consent requirements ~~{-- Technology-based instruction contract}~~ -- Conduct and speech of school employees and volunteers -- Political and religious doctrine prohibited.**

(1) As used in this section:

(a) "Board" means the State Board of Education.

(b) "Local school board" means:

(i) a local board of education elected in accordance with Section 53G-4-201; or

(ii) a charter school governing board, as defined in Section 53G-5-102.

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

(d) "Refusal skills" means instruction:

(i) in a student's ability to clearly and expressly refuse unwanted sexual advances by a minor or adult;

(ii) in a student's obligation to stop the student's sexual advances if refused by another

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individual:

(iii) informing a student of the student's options to report and seek counseling for unwanted sexual advances;

(iv) in sexual harassment; and

(v) informing a student that a student may not consent to criminally prohibited activities or activities for which the student is legally prohibited from giving consent, including the electronic transmission of sexually explicit images by an individual of the individual or another.

~~(1)(2)~~ (a) The ~~[State Board of Education]~~ board shall establish curriculum requirements under Section 53E-3-501 that include instruction in: ~~(1)~~

~~(1)~~(i) community and personal health; ~~(1)~~

~~(1)~~(ii) physiology; ~~(1)~~

~~(1)~~(iii) personal hygiene; ~~[and]~~

~~(1)~~(iv) prevention of communicable disease. ~~(1)~~

~~(1)~~ (v):

(v) refusal skills; and

(vi) the harmful effects of pornography.

(b) (i) That instruction shall stress: ~~(1)~~

~~(1)~~(A) the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases; and ~~(1)~~

~~(1)~~(B) personal skills that encourage individual choice of abstinence and fidelity. ~~(1)~~

~~(1)~~(ii) (A) At no time may instruction be provided, including responses to spontaneous questions raised by students, regarding any means or methods that facilitate or encourage the violation of any state or federal criminal law by a minor or an adult. ~~(1)~~

~~(1)~~(B) Subsection ~~(1)(2)~~(b)(ii)(A) does not preclude an instructor from responding to a spontaneous question as long as the response is consistent with the provisions of this section. ~~(1)~~

~~(1)~~(c) (i) The board shall recommend instructional materials for use in the curricula required under Subsection ~~(1)(2)~~(a) after considering evaluations of instructional materials by the State Instructional Materials Commission. ~~(1)~~

~~(1)~~(ii) A local school board may choose to adopt: ~~(1)~~

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~~(A)~~ the instructional materials recommended under Subsection ~~(1)~~ (2)(c)(i); or ~~(B)~~

~~(B)~~ other instructional materials as provided in ~~the~~ state board rule. ~~(C)~~

~~(iii)~~ The state board rule made under Subsection ~~(1)~~ (2)(c)(ii)(B) shall include, at a minimum: ~~(i)~~

~~(A)~~ that the materials adopted by a local school board under Subsection ~~(1)~~ (2)(c)(ii)(B) shall be based upon recommendations of the school district's or charter school's Curriculum Materials Review Committee that comply with state law and state board rules emphasizing abstinence before marriage and fidelity after marriage, and prohibiting instruction in: ~~(i)~~

~~(I)~~ the intricacies of intercourse, sexual stimulation, or erotic behavior; ~~(ii)~~

~~(II)~~ the advocacy of premarital or extramarital sexual activity; or ~~(iii)~~

~~(III)~~ the advocacy or encouragement of the use of contraceptive methods or devices; ~~(iv)~~

~~(IV) the advocacy of sexual activity outside of marriage;~~

~~(B)~~ that the adoption of instructional materials shall take place in an open and regular meeting of the local school board for which prior notice is given to parents and guardians of students attending the respective schools ~~in the district~~ and an opportunity for ~~them~~ parents to express their views and opinions on the materials at the meeting; ~~(C)~~

~~(C)~~ provision for an appeal and review process of the local school board's decision; and ~~(D)~~

~~(D)~~ provision for a report by the local school board to the State Board of Education board of the action taken and the materials adopted by the local school board under Subsections ~~(1)~~ (2)(c)(ii)(B) and ~~(1)~~ (2)(c)(iii). ~~(E)~~

~~(2)~~ (3) (a) Instruction A student shall receive instruction in the courses described in Subsection (1) ~~shall be consistent and systematic in grades eight through~~ on at least two occasions during the period that begins with the beginning of grade 8 and the end of grade 12. ~~(b)~~

~~(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. ~~(c)~~

~~(3)~~ (4) (a) The board shall adopt rules that: ~~(i)~~

~~(i)~~ provide that the parental consent requirements of Sections 76-7-322 and

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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.~~{}~~

~~—— (1) As used in this section:~~

~~—— (a) "Board" means the State Board of Education.~~

~~—— (b) "Consent" means a communication from one individual to another regarding the individuals' sexual relationship that is:~~

~~—— (i) clear and express;~~

~~—— (ii) made by an individual who has capacity to make a rational decision at the time of the communication;~~

~~—— (iii) delivered absent psychological or emotional manipulation or threat; and~~

~~—— (iv) in agreement or refusal by an individual to engage in a specific sexual activity.~~

~~—— (c) "Local school board" means:~~

~~—— (i) a local board of education elected in accordance with Section 53G-4-201; or~~

~~—— (ii) a charter school governing board as defined in Section 53G-5-102.~~

~~—— (d) "Parent" means a parent or legal guardian.~~

~~—— (e) "Reproductive health instruction" means instruction in the subjects listed in Subsection (2):~~

~~—— (f) "Reproductive health instruction review committee" means the committee created under Section 53G-10-407.~~

~~—— (2) The board shall establish reproductive health instruction standards under Section 53E-3-501 for instruction in the following subjects:~~

~~—— (a) contraception;~~

~~—— (b) human reproduction;~~

~~—— (c) human anatomy and health;~~

~~—— (d) consent;~~

~~—— (e) sexually transmitted diseases and sexually transmitted infections; and~~

~~—— (f) the harmful effects of pornography.~~

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- ~~\_\_\_\_\_ (3) The standards established under Subsection (2) shall:~~
- ~~\_\_\_\_\_ (a) emphasize:~~
- ~~\_\_\_\_\_ (i) the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases; and~~
- ~~\_\_\_\_\_ (ii) personal skills that encourage individual choice of abstinence and marriage fidelity;~~
- ~~and~~
- ~~\_\_\_\_\_ (b) prohibit instruction in:~~
- ~~\_\_\_\_\_ (i) the intricacies of intercourse, sexual stimulation, or erotic behavior;~~
- ~~\_\_\_\_\_ (ii) the advocacy of premarital or extramarital sexual activity;~~
- ~~\_\_\_\_\_ (iii) the advocacy or encouragement of the use of contraceptive methods or devices; or~~
- ~~\_\_\_\_\_ (iv) the advocacy of sexual activity outside of marriage.~~
- ~~\_\_\_\_\_ (4) (a) At no time may instruction be provided, including responses to spontaneous questions raised by students, regarding any means or methods that facilitate or encourage the violation of any state or federal criminal law by a minor or an adult.~~
- ~~\_\_\_\_\_ (b) Subsection (4)(a) does not preclude an instructor from responding to a spontaneous question as long as the response is consistent with the provisions of this section.~~
- ~~\_\_\_\_\_ (5) A student shall receive reproductive health instruction on at least two occasions during the period that begins with the beginning of grade 7 and the end of grade 12.~~
- ~~\_\_\_\_\_ (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules for providing reproductive health instruction.~~
- ~~\_\_\_\_\_ (b) The board rules shall:~~
- ~~\_\_\_\_\_ (i) require:~~
- ~~\_\_\_\_\_ (A) that reproductive health instruction materials adopted by a local school board under Subsection (9)(a)(ii) be based upon recommendations of the school district's or charter school's Curriculum Materials Review Committee and comply with state law and state board rule; and~~
- ~~\_\_\_\_\_ (B) that a local school board's adoption of reproductive health instruction materials take place in an open and regular meeting of the local school board for which prior notice is given to parents of students attending the respective schools and an opportunity for parents to express their views and opinions on the materials at the meeting;~~
- ~~\_\_\_\_\_ (ii) provide for an appeal and review process of the local school board's decision;~~
- ~~\_\_\_\_\_ (iii) provide for a report to the board by the local school board of the action taken and~~



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~~the materials adopted by the local school board under Subsection (9)(a)(ii);~~

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

~~—— (v) require a student's parent to be notified in advance of and have an opportunity to review the information for which parental consent is required under Sections 76-7-322 and 76-7-323;~~

~~—— (7) (a) The board shall, in accordance with Title 63G, Chapter 6a, Utah Procurement Code:~~

~~—— (i) issue a request for information from one or more providers for the delivery of technology-based reproductive health instruction in each of the subjects listed in Subsection (2) as stand alone modules;~~

~~—— (ii) take into consideration the comments and recommendations of the reproductive health instruction review committee regarding a request for information response;~~

~~—— (iii) issue a request for proposals from one or more providers for the delivery of technology-based reproductive health instruction in each of the subjects listed in Subsection (2) as stand alone modules; and~~

~~—— (iv) enter into a contract with one or more providers to provide technology-based reproductive health instruction in each of the subjects listed in Subsection (2) as stand alone modules;~~

~~—— (b) The board shall include in a request for proposals described in Subsection (7)(a)(iii) technology-based instruction materials on child sexual abuse prevention and awareness, as approved under Section 53G-9-207, and enter into a contract described in Subsection (7)(a)(iv) for the child sexual abuse prevention and awareness technology-based instruction.~~

~~—— (8) The instruction provided under a contract:~~

~~—— (a) described in Subsection (7)(a) shall comply with state law and standards set by the board under this section; and~~

~~—— (b) described in Subsection (7)(a) or (7)(b) shall be available online for educators and for use by parents at home.~~

~~—— (9) (a) A local school board may choose to adopt:~~

~~—— (i) the technology-based reproductive health instruction provided through a contract with the board as described in Subsection (7)(a); or~~

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- ~~\_\_\_\_\_ (ii) other reproductive health instruction materials as provided in state board rule;~~
- ~~\_\_\_\_\_ (b) A local school board shall review every two years:~~
- ~~\_\_\_\_\_ (i) local school board policies on reproductive health instruction;~~
- ~~\_\_\_\_\_ (ii) for a local board of education of a school district, data for each county that the school district is located in, or, for a charter school governing board, data for the county in which the charter school is located, on the following:~~
- ~~\_\_\_\_\_ (A) teen pregnancy;~~
- ~~\_\_\_\_\_ (B) child sexual abuse; and~~
- ~~\_\_\_\_\_ (C) sexually transmitted diseases and sexually transmitted infections; and~~
- ~~\_\_\_\_\_ (iii) the number of pornography complaints or other instances reported within the jurisdiction of the local school board;~~
- ~~\_\_\_\_\_ [(4)] (10)~~

~~[(4)] (5)~~ (a) In keeping with the requirements of Section 53G-10-204, 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 [(4)] (~~[(10)] (5)~~) (a) also apply to a school [~~employees or volunteers~~ acting outside of their] employee or volunteer acting outside of ~~[[their]]~~ the school employee's or volunteer's official capacities if:

(i) [~~they~~] the employee or volunteer knew or should have known that [~~their~~] the employee's or volunteer's 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 Board of Education nor local school districts may~~] The board or a local school board may not allow training of school employees or volunteers that supports or encourages criminal conduct.

~~[[~~ (d) The [~~State Board of Education~~] board shall adopt rules implementing this section. ~~]]~~

~~[[~~ (e) ~~[(d)]~~ Nothing in this section limits the ability or authority of the [~~State Board~~

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of Education and] board or a local school [~~boards~~] board to enact and enforce rules or take actions that are otherwise lawful, regarding educators', employees', or volunteers' qualifications or behavior evidencing unfitness for duty.

[(5)] (~~11~~6) Except as provided in Section 53G-10-202, political, atheistic, sectarian, religious, or denominational doctrine may not be taught in the public schools.

[(6)] ~~(7)~~ (a) [~~Local school boards and their { employees}~~]  
——— ~~(12) (a) A~~] A local school board and a local school board's ~~{ employee}~~ employees shall cooperate and share responsibility in carrying out the purposes of this chapter.

(b) [~~Each school district~~] A local school board shall provide appropriate [~~inservice training for its~~] professional development for the local school board's 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 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, and 53G-10-205, and distribute appropriate written materials on the values, character traits, and conduct to each individual receiving the [~~inservice training~~] professional development.

(c) [~~The written materials shall also be made { available}~~] A local school board shall make the written materials described in Subsection (~~12~~7)(b) available to classified employees, students, and parents [~~and guardians~~] of students.

(d) In order to assist [~~school districts~~] a local school board in providing the [~~inservice training~~] professional development required under Subsection [(6)] (~~12~~7)(b), the [~~State Board of Education~~] board shall, as appropriate, contract with a qualified individual or entity possessing expertise in the areas referred to in Subsection [(6)] (~~12~~7)(b) to develop and disseminate model teacher [~~inservice programs which districts~~] professional development programs that a local school board may use to train the individuals referred to in Subsection [(6)] (~~12~~7)(b) to effectively teach the values and qualities of character referenced in [~~that subsection~~] Subsection (~~12~~)(~~b~~7).

(e) In accordance with the provisions of Subsection [(4)] (~~10~~5)(c), [~~inservice training~~] professional development may not support or encourage criminal conduct.

~~(f) The board shall provide procedures for disciplinary action against a school employee for violation of Section 76-7-322 or 76-7-323.~~

——— ~~(7)~~ ~~(13~~8) A local school board shall review every two years:

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(a) local school board policies on instruction described in this section;

(b) for a local board of education of a school district, data for each county that the school district is located in, or, for a charter school governing board, data for the county in which the charter school is located, on the following:

(i) teen pregnancy;

(ii) child sexual abuse; and

(iii) sexually transmitted diseases and sexually transmitted infections; and

(c) the number of pornography complaints or other instances reported within the jurisdiction of the local school board.

~~(7)~~ (9) 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.

Section ~~3~~2. Section 53G-10-403 is amended to read:

**53G-10-403. Required parental consent for ~~reproductive health~~ human sexuality instruction.**

(1) As used in this section:

(a) "Parent" means the same as that term is defined in Section 53G-10-205.

~~(a)~~ (b) (i) ~~"[~~Human sexuality~~] Reproductive health Sex education 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) ~~(B)~~ reproductive anatomy;~~

~~(E) ~~(C)~~ physiology;~~

~~(F) ~~(D)~~ pregnancy;~~

~~(G) ~~(E)~~ marriage;~~

~~(H) ~~(F)~~ childbirth;~~

~~(I) ~~(G)~~ parenthood; ~~or~~~~

~~(J) contraception;~~

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~~{}~~(K) HIV/AIDS; ~~[or]~~

~~{}~~(L) sexually transmitted diseases~~[-]~~;

~~{}~~~~(M)~~ ~~{a subject listed}~~ ~~refusal skills, as defined in {Subsection}Section~~

~~53G-10-402; or~~

~~{2}~~~~(N)~~ ~~the harmful effects of pornography.~~

(ii) "[Human sexuality] ~~{~~"~~Reproductive health}~~~~Sex education~~ instruction" does not include child sexual abuse prevention instruction described in Section 53G-9-207.

~~{(b)}~~ "Parent" means the same as that term is defined in Section 53G-10-205.]

(c) "School" means the same as that term is defined in Section 53G-10-205.

(2) A school shall obtain prior written consent from a student's parent before the school may provide [human sexuality] ~~{reproductive health}~~~~sex education~~ instruction to the student.

(3) If a student's parent chooses not to have the student participate in [human sexuality] ~~{reproductive health}~~~~sex education~~ instruction, a school shall:

(a) waive the requirement for the student to participate in the [human sexuality] ~~{reproductive health}~~~~sex education~~ instruction; or

(b) provide the student with a reasonable alternative to the [human sexuality] ~~{reproductive health}~~~~sex education~~ instruction requirement.

(4) In cooperation with the student's teacher or school, a parent shall take responsibility for the parent's student's [human sexuality] ~~{reproductive health}~~~~sex education~~ instruction if a school:

(a) waives the student's [human sexuality] ~~{reproductive health}~~~~sex education~~ instruction requirement in Subsection (3)(a); or

(b) provides the student with a reasonable alternative to the [human sexuality] ~~{reproductive health}~~~~sex education~~ instruction requirement described in Subsection (3)(b).

(5) A student's academic or citizenship performance may not be penalized if the student's parent chooses not to have the student participate in [human sexuality] ~~{reproductive health}~~~~sex education~~ instruction as described in Subsection (3).

~~{~~ ~~Section 4. Section 53G-10-407 is enacted to read:~~

~~53G-10-407. Reproductive health instruction review committee -- Membership and duties.~~

~~(1) As used in this section:~~

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- ~~—— (a) "Board" means the State Board of Education.~~
- ~~—— (b) "Committee" means the reproductive health instruction review committee established by the board under this section.~~
- ~~—— (c) "Reproductive health instruction" means technology-based reproductive health instruction information and materials provided in response to a request for information issued by the board in accordance with Section 53G-10-402.~~
- ~~—— (2) (a) The board shall establish a reproductive health instruction review committee to review and recommend to the board reproductive health instruction.~~
- ~~—— (b) No later than 10 business days after the day on which the board issues a request for information in accordance with Section 53G-10-402, the board shall establish a committee as required by Subsection (2)(a):~~
- ~~—— (3) The board shall provide:~~
  - ~~—— (a) each response to the request for information to the committee; and~~
  - ~~—— (b) space for the committee to meet and staff support as necessary.~~
- ~~—— (4) A member of the committee may not receive compensation or benefits for the member's service on the committee.~~
- ~~—— (5) The membership of the committee shall consist of the following:~~
  - ~~—— (a) four individuals appointed by the board chair with expertise in the subject of reproductive health instruction, including teachers, members of the health community, faculty of higher education institutions in Utah, and others as determined by the board chair;~~
  - ~~—— (b) three parents or guardians of public education students appointed by the speaker of the House of Representatives;~~
  - ~~—— (c) three parents or legal guardians of public education students appointed by the president of the Senate; and~~
  - ~~—— (d) one individual who:~~
    - ~~—— (i) has expertise in the subject of reproductive health instruction;~~
    - ~~—— (ii) is an employee of the Department of Health created in Section 26-1-4; and~~
    - ~~—— (iii) is appointed by the executive director of the Department of Health.~~
- ~~—— (6) Among the criteria the committee shall consider when reviewing reproductive health instruction is whether the instruction complies with:~~
  - ~~—— (a) Section 53G-10-402 and other applicable state law; and~~

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~~———— (b) board rule.~~

~~———— (7) The committee shall submit, to the board, comments and recommendations for reproductive health instruction within a reasonable timeline set by the board.~~

~~———— (8) The board shall take into consideration the comments and recommendations of the committee in issuing a request for proposals under Section 53G-10-402.~~

**Legislative Review Note**

**Office of Legislative Research and General Counsel}**