



Human Sexuality Education Curriculum Guide

March 2012

Maturation and Human Sexuality Education Overview

March 19, 2012

Background

Maturation Education

Maturation education began over 50 years ago in the late 1950's and early 1960's. Originally the program was delivered by school nurses in association with the PTA. As the number of nurses assigned to schools declined, schools relied on local experts, the principal, or a teacher for maturation instruction. Maturation has been an official part of the elementary health curriculum since at least 1997.

Maturation education is not included in Utah code. **53A-13-101** specifically addresses health education in the secondary grades. **R277-474** is the board rule that was created to comply with the provisions in 53A-13-101 that deal with human sexuality education in secondary schools. The rule was amended in April of 2011 to include maturation education. Maturation education is not to be junior "sex education." The rule states:

"Maturation education means instruction and materials used to provide fifth or sixth grade students with age appropriate, accurate information regarding the physical and emotional changes associated with puberty, to assist in protecting students from abuse and to promote hygiene and good health practices."

Maturation programs must include a parent notification form and an opt-in provision. The speakers, presenters and materials must be reviewed and approved by an LEA committee and the materials and program must be approved by the local Board of Education.

Human Sexuality Education

Human sexuality education has been a part of the Health courses for secondary age students for over thirty years. The study of health and issues related to human sexuality is mandated for secondary students in State Law (**53A-13-101**). The process and regulations for human sexuality education are stated in State Board Rule **R277-474**. Board rule defines human sexuality as follows:

"Human sexuality instruction or instructional programs means any course, unit, class, activity or presentation that provides instruction or information to students about sexual abstinence, human reproduction, reproductive anatomy, physiology, pregnancy, marriage, childbirth, parenthood, contraception, or HIV/AIDS and other sexually transmitted diseases. While these topics are most likely discussed in such courses as health education, health occupations, human

biology, physiology, parenting, adult roles, psychology, sociology, child development, and biology, this rule applies to any course or class in which these topics are the focus of discussion.”

“Sex education” is generally divided into three approaches: comprehensive human sexuality instruction, abstinence-plus or abstinence-based instruction, and abstinence-only instruction. Utah law allows for a human sexuality curriculum that is **abstinence-based**. In addition LEAs may decide to use an **abstinence-only** curriculum.

The Secondary Health Core was revised in August of 2009. At that time extensive outreach activities took place to receive input on additions and omissions.

LEAs are required to have a health curriculum committee that recommends what materials are used in secondary human sexuality education. Local Boards must review and vote on the recommendations. They can also decide if they want the course to be more restrictive than the law allows. Parents must be notified and must opt-in their students to the sections of Health classes that deal with human sexuality. New teachers are required to take a special training that outlines how the human sexuality sections of the core should be taught. All health teachers are required to retake the course every three years.

Recent Challenges Associated with Maturation and Human Sexuality Education

Maturation and human sexuality education can be very controversial. During the past three legislative sessions various legislators and special interest groups have debated how these sensitive topics should be or shouldn't be taught.

In the 2010 legislative session a small group of legislators tried to change the law to expand the extent of material to be covered and provide more leeway to teachers who were afraid to discuss contraception. The legislation failed, but USOE was asked to try to prepare a PowerPoint that covered contraception in a legal manner and that met the expectations of both conservative and liberal perspectives on the issue.

When a draft was shared with various stakeholders in December of 2010, the reviews were mixed at best. Some individuals appreciated the PowerPoint and wanted to use it, others thought it was horrible and that it was too explicit, and a few thought that it didn't go far enough. Arguments over what constitutes instruction and what constitutes advocacy ensued. Since one of the objectives was to bring stakeholders to consensus was not possible, USOE decided to discard the draft.

At the beginning of the 2011 legislative session, a controversy over maturation education brought the issue of “Sex Education” to the forefront. In February of 2011, parent complaints were received regarding Growing Up Comes First. At the time Growing Up Comes First was listed as recommended by the Instructional Materials Commission. Growing Up Comes First, a program developed and published by Planned Parenthood of Utah was first listed on the recommended list in 2000. A revision was approved in late 2009. The program included a video used for both boys and girls, separate information for females, separate information for males, general information about physical changes that take place in puberty, a parent guide, an educator guide and a website.

A review of the program found that the maturation materials for students were not in violation of law or policy. Individuals who had a copy of the discarded contraception PowerPoint complained that the legality of Growing Up Comes First and the PowerPoint demonstrated a need to make the law more restrictive. Members of the Utah legislature and the State Board asked USOE for a reconsideration of the Growing Up Comes First program. USOE agreed to discuss Growing Up Comes First at a future board meeting.

In March of 2011, additional complaints were received regarding Growing Up Comes First. Specifically objections were raised regarding 1) the use of a mixed group of boys and girls silhouetted at the bottom of the Growing Up Comes First video, 2) the use of a common list of changes in both boys and girls, 3) the direction given in the video to identify and communicate with trusted adults (not necessarily a parent), 4) a concern that a district showed the “male specific” information to girls, 5) a concern that the information goes beyond what is age appropriate, 6) a concern that the program is too clinical and does not direct students to talk to their parents about family values and religious beliefs associated with puberty, 7) a concern that Utah should not use a program, even if it is well-done, that is produced by Planned Parenthood, and 8) several links on the parent and teacher portions of the materials and website were really comprehensive sex education materials and not consistent with community values or the purposes of Maturation Education.

In April and May meetings of 2011 the Utah State Board of Education discussed Maturation Education, Board Rule **R277-474**, and Growing Up Comes First. The State Board amended the rule to include maturation education and removed Growing Up Comes First from the Instructional Materials list. Planned Parenthood of Utah voluntarily removed USOE’s logo and approval from their materials and website.

During the 2012 legislative session the Planned Parenthood materials became a catalyst for changes to **53A-13-101**. Several legislators and special interest groups tried to make the law

more restrictive. They expressed concerns that LEAs might choose to use similar materials. A bill, H.B. 363, was introduced to limit the extent of material to be covered regarding “sex education” and to prohibit discussion of contraception. The bill was amended at least twice and was vetoed by the governor. At least one legislator has said that he will try to run another bill next year.

Recommendation

Human sexuality and maturation are very controversial topics and should be very carefully crafted and presented. Materials, topics and programs that are acceptable to some parents are abhorred by others. LEAs would be wise to carefully review current practices and implement Board Rule **R277-474 and 53A-13-101** as currently written. (Copies Attached)

<< Previous Section (53A-12-207)

Next Section (53A-13-101.1) >>

Utah Code**Title 53A State System of Public Education****Chapter 13 Curriculum in the Public Schools****Section 101 Instruction in health -- Parental consent requirements -- Conduct and speech of school employees and volunteers -- Political and religious doctrine prohibited.****53A-13-101. Instruction in health -- Parental consent requirements -- 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) (i) That instruction shall stress:

- (A) the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases; and
- (B) personal skills that encourage individual choice of abstinence and fidelity.

(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.

(B) Subsection (1)(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.

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

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

- (A) the instructional materials recommended under Subsection (1)(c)(i); or
- (B) other instructional materials as provided in state board rule.

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

(A) that the materials adopted by a local school board under Subsection (1)(c)(ii)(B) shall be based upon recommendations of the school district'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) the intricacies of intercourse, sexual stimulation, or erotic behavior;
- (II) the advocacy of homosexuality;
- (III) the advocacy or encouragement of the use of contraceptive methods or devices; or
- (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 schools in the district and an opportunity for them to express their views and opinions on the materials at the meeting;

(C) provision for an appeal and review process of the local school board's decision; and
 (D) provision for a report by the local school board to the State Board of Education of the action taken and the materials adopted by the local school board under Subsections (1)(c)(ii)(B) and (1)(c)(iii).

(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) (a) In keeping with the requirements of Section **53A-13-109**, 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)(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.

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

(6) (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-13-109**, **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 (6)(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 (6)(b) to develop and disseminate model teacher inservice programs which districts may use to train the individuals referred to in Subsection (6)(b) to effectively teach the values and qualities of character referenced in that subsection.

(e) In accordance with the provisions of Subsection (4)(c), inservice training may not

support or encourage criminal conduct.

(7) 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.

Amended by Chapter 196, 2004 General Session

Download Code Section **Zipped** WordPerfect **53A13_010100.ZIP** 5,743 Bytes

<< **Previous Section (53A-12-207)**

Next Section (53A-13-101.1) >>

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NOTE: For a list of rules that have been made effective since March 1, 2012, please see the [codification segue](#) page.

NOTE TO RULEFILING AGENCIES: Use the RTF version for submitting rule changes.

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Rule R277-474. School Instruction and Human Sexuality.

As in effect on March 1, 2012

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R277-474-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Curriculum materials review committee (committee)" means a committee formed at the district or school level, as determined by the local board of education or local charter board, that includes parents, health professionals, school health educators, and administrators, with at least as many parents as school employees. The membership of the committee shall be appointed and reviewed annually by August 1 of each year by the local board, shall meet on a regular basis as determined by the membership, shall select its own officers and shall be subject to Sections 52-4-1 through 52-4-10.

C. "Family Educational Rights and Privacy Act" is a state statute, Sections 53A-13-301 and 53A-13-302, that protects the privacy of students, their parents, and their families, and supports parental involvement in the public education of their children.

D. "Human sexuality instruction or instructional programs" means any course, unit, class, activity or presentation that provides instruction or information to students about sexual abstinence, human reproduction, reproductive anatomy, physiology, pregnancy, marriage, childbirth, parenthood, contraception, or HIV/AIDS and other sexually transmitted diseases. While these topics are most likely discussed in such courses as health education, health occupations, human biology, physiology,

parenting, adult roles, psychology, sociology, child development, and biology, this rule applies to any course or class in which these topics are the focus of discussion.

E. "Instructional Materials Commission" means an advisory commission authorized under Section 53A-14-101.

F. "Maturation education" means instruction and materials used to provide fifth or sixth grade students with age appropriate, accurate information regarding the physical and emotional changes associated with puberty, to assist in protecting students from abuse and to promote hygiene and good health practices.

G. "Medically accurate" means verified or supported by a body of research conducted in compliance with scientific methods and published in journals that have received peer-review, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the American Medical Association.

H. "Parental notification form" means a form developed by the USOE and used exclusively by Utah public school districts or Utah public schools for parental notification of subject matter identified in this rule. Students may not participate in human sexuality instruction, maturation education, or instructional programs as identified in R277-474-1D without prior affirmative parent/guardian response on file. The form:

(1) shall explain a parent's right to review proposed curriculum materials in a timely manner;

(2) shall request the parent's permission to instruct the parent's student in identified course material related to human sexuality or maturation education;

(3) shall allow the parent to exempt the parent's student from attendance for class period(s) while identified course material related to human sexuality or maturation education is presented and discussed;

(4) shall be specific enough to give parents fair notice of topics to be covered;

(5) shall include a brief explanation of the topics and materials to be presented and provide a time, place and contact person for review of the identified curricular materials;

(6) shall be on file with affirmative parent/guardian response for each student prior to the student's participation in discussion of issues protected under Section 53A-13-101; and

(7) shall be maintained at the school for a reasonable period of time.

I. "Professional development" means training in which Utah educators may participate to renew a license, receive information or training in a specific subject area, teach in another subject area or teach at another grade level.

J. "Utah educator" means an individual such as an administrator, teacher, counselor, teacher's assistant, or coach, who is employed by a unit of the Utah public education system and who provides teaching or counseling to students.

K. "Utah Professional Practices Advisory Commission (Commission)" means a Commission authorized under 53A-6-301 and designated to review allegations against educators and recommend action against educators' licenses to the Board.

L. "USOE" means the Utah State Office of Education.

R277-474-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution, Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-13-101(1)(c)(ii)(B) which directs the Board to develop a rule to allow local boards to adopt human sexuality education materials or programs under Board rules and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purposes of this rule are:

(1) to provide requirements for the Board, school districts, charter schools, and individual educators to select instructional materials about human sexuality and maturation;

(2) to provide notice to parents/guardians of proposed human sexuality and maturation discussions and instruction; and

(3) to provide direction to public education employees regarding instruction and discussion of maturation and human sexuality with students.

R277-474-3. General Provisions.

A. The following may not be taught in Utah public schools through the use of instructional materials, direct instruction, or online instruction:

- (1) the intricacies of intercourse, sexual stimulation or erotic behavior;
- (2) the advocacy of homosexuality;
- (3) the advocacy or encouragement of the use of contraceptive methods or devices; or
- (4) the advocacy of sexual activity outside of marriage.

B. Educators are responsible to teach the values and information identified under Section 53A-13-101(4).

C. Utah educators shall follow all provisions of state law including parent/guardian notification and prior written parental consent requirements under Sections 76-7-322 and 76-7-323 in teaching any aspect of human sexuality.

D. Course materials and instruction shall be free from religious, racial, ethnic, and gender bias.

R277-474-4. State Board of Education Responsibilities.

The Board shall:

A. develop and provide professional development and assistance with training for educators on law and rules specific to human sexuality instruction and related issues.

B. develop and provide a parental notification form and timelines for use by school districts and charter schools.

C. establish a review process for human sexuality instructional materials and programs using the Instructional Materials Commission and requiring final Board approval of the Instructional Materials Commission's recommendations.

D. approve only medically accurate human sexuality instruction programs.

E. receive and track parent and community complaints and comments received from school districts and charter schools related to human sexuality instructional materials and programs.

R277-474-5. School District and Charter School Responsibilities.

A. Annually each school district and charter school shall require all newly hired or newly assigned Utah educators with responsibility for any aspect of human sexuality instruction to attend state-sponsored professional development outlining the human sexuality curriculum and the criteria for human sexuality instruction in any courses offered in the public education system.

B. Each school district and charter school shall provide training consistent with R277-474-5A at least once during every three years of employment for Utah educators.

C. Local school boards and local charter boards shall form curriculum materials review committees (committee) at the district or school level as follows:

- (1) The committee shall be organized consistent with R277-474-1B.
- (2) Each committee shall designate a chair and procedures.

(3) The committee shall review and approve all guest speakers and guest presenters and their respective materials relating to human sexuality instruction in any course and maturation education prior to their presentations.

(4) The committee shall not authorize the use of any human sexuality instructional program or maturation education program not previously approved by the Board, approved consistent with R277-474-6, or approved under Section 53A-13-101(1)(c)(ii).

(5) The district superintendent or charter school administrator shall report educators who willfully violate the provisions of this rule to the Commission for investigation and possible discipline.

(6) The district or charter school shall use the common parental notification form or a form that satisfies all criteria of the law and Board rules, and comply with timelines approved by the Board.

(7) Each district or charter school shall develop a logging and tracking system of parental and community complaints and comments resulting from student participation in human sexuality instruction, to include the disposition of the complaints, and provide that information to the USOE upon request.

D. If a student is exempted from course material required by the Board-approved Core Curriculum, the parent shall take responsibility, in cooperation with the teacher and the school, for the student learning the required course material consistent with Sections 53A-13-101.2(1), (2) and (3).

R277-474-6. Local Board or Local Charter Board Adoption of Human Sexuality Education and Maturation Education Instructional Materials.

A. A local board may adopt instructional materials under Section 53A-13-101(1)(c)(iii).

B. Materials that are adopted shall comply with the criteria of Section 53A-13-101(1)(c)(iii) and:

(1) shall be medically accurate as defined in R277-474-1G.

(2) shall be approved by a majority vote of the local board members or local charter board members present at a public meeting of the board.

(3) shall be available for reasonable review opportunities to residents of the district or parents/guardians of charter school students prior to consideration for adoption.

C. The local board or local charter board shall comply with the reporting requirement of Section 53A-13-101(1)(c)(iii)(D). The report to the Board shall include:

(1) a copy of the human sexuality instructional materials and maturation education materials not approved by the Instructional Materials Commission that the local board or local charter board seeks to adopt;

(2) documentation of the materials' adoption in a public board meeting;

(3) documentation that the materials or program meets the medically accurate criteria of R277-474-1G;

(4) documentation of the recommendation of the materials by the committee; and

(5) a statement of the local board's or local charter board's rationale for selecting materials not approved by the Instructional Materials Commission.

D. The local board's or local charter board's adoption process for human sexuality instructional materials and maturation education materials shall include a process for annual review of the board's decision.

R277-474-7. Utah Educator Responsibilities.

A. Utah educators shall participate in training provided under R277-474-5A.

B. Utah educators shall use the common parental notification form or a form approved by their employing school district or charter school, and timelines approved by the Board.

C. Utah educators shall individually record parent and community complaints, comments, and the educators' responses regarding human sexuality instructional programs.

D. Utah educators may respond to spontaneous student questions for the purposes of providing accurate data or correcting inaccurate or misleading information or comments made by students in class regarding human sexuality.

KEY

schools, sex education

Date of Enactment or Last Substantive Amendment

August 8, 2011

Notice of Continuation

July 1, 2010

Authorizing, Implemented, or Interpreted Law

Art X Sec 3; 53A-13-101(1)(c)(ii)(B); 53A-1-401(3)

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Utah Human Sexuality Instruction: Frequently Asked Questions

Human sexuality instruction is included in the Health Education Core Curriculum and usually occupies four to six hours of instruction. Information concerning this instruction is summarized here in a Question and Answer format.

- 1. Q. Is human sexuality instruction the same in every Utah school district?**
 - A. No. Utah statute allows LEAs to establish standards for human sexuality instruction for their schools. Board policies may include less than what the law allows but never more.

- 2. Q. Is Utah’s human sexuality instruction considered *abstinence-only*?**
 - A. No. Utah’s human sexuality instruction is abstinence-based. Teachers are required to present a strong abstinence message, but the law allows instruction in the areas of contraception and prevention of sexually transmitted diseases.

- 3. Q. Do any LEAs prescribe an abstinence-only approach to human sexuality instruction?**
 - A. To the best of our knowledge, four districts in Utah (Canyons, Jordan, Nebo, and Provo) are currently abstinence-only districts. All other districts are abstinence-based.

- 4. Q. Is parent/guardian permission required for human sexuality instruction?**
 - A. **Yes.** Utah is one of three states with an *opt-in* requirement. Before human sexuality instruction may begin, there must be a signed permission form on file with the instructor. The USOE-generated form clearly outlines the course of instruction and must be in the hands of parents a *minimum of two weeks prior to the start of instruction*. This allows parents time to dialog with teachers regarding course content.

- 5. Q. Is the school the primary source of human sexuality instruction?**
 - A. No. Parents should be the primary source of human sexuality instruction and values relating to this subject. Schools serve as partners for instruction and dialog between homes and schools is vital. Parents are encouraged to utilize teacher resources to assist in home instruction.

- 6. Q. What content is currently included in Utah’s health education core curriculum that impacts human sexuality instruction?**
 - A. The current core curriculum includes the following relevant content:
 - Respect for self and others
 - Stages of human development.
 - Adolescent brain development and how it impacts behavior.
 - Structure and function of male and female reproductive systems.
 - Protective factors for high risk behaviors.
 - Refusal skills including establishment of personal boundaries and assertive behaviors.
 - How sexual abstinence before marriage contributes to overall wellness.

(Content continued)

- Contraception.
- Transmission, prevention, and treatment of communicable diseases including those that are sexually transmitted.
- Personal values and dating behaviors.
- Characteristics of healthy and unhealthy dating relationships.
- Laws that relate to relationships and sexual behavior.
- The importance of breast and testicular self examinations for cancer prevention.
- Student communication skills including the ability to talk to parents about human sexuality issues.
- Strategies to prevent sexual harassment.
- The impact of personal choices that may affect a fetus (e.g., nutrition, the use of alcohol, tobacco, and other drugs).
- The importance of a physical exam for early detection of sexually transmitted diseases.
- Responsibilities and demands of parenthood.
- Adoption as an option for unintended pregnancy.
- Dangers associated with the internet and other technologies.

7. Q. Is there a screening process in place for the human sexuality resources and guest speakers?

A. Yes. In accordance with Utah Law, each LEA has an active *Human Sexuality Instructional Materials Committee* in place that previews resources and guest speakers before use in its classrooms.

8. Q. What human sexuality training is required of health educators?

A. The following trainings are required of Utah's health educators:

- *Human Sexuality* and *Health Methods* courses in undergraduate preparation.
- USOE Law and Policy Workshops for new and newly assigned teachers of human sexuality instruction.
- LEA-sponsored update human sexuality trainings at least once every three years.

9. Q. What standards of the Secondary Health Core address human sexuality topics?

A. Healthy relationships, communication, refusal, decision making skills, and child and adolescent protective factors are addressed throughout the core. Sex Education- specific topics are presented in Standards 5 and 6.

10. Q. Are there sex education resources available to parents?

A. Yes. All resources in the Electronic Tool Box are for teachers *and* parents. They can be found in Appendix B of the Secondary Health Education Core Curriculum.

For additional information, contact the USOE Health Curriculum Specialist, Frank Wojtech @ 801-538-7732.

April 12, 2011

Dear Superintendents, Charter Directors and Curriculum Directors,

The study of health and issues related to human sexuality is allowed under controlled circumstances as described in State Law (53A-13-101). State Board Rule R277-474 further defines and mandates how the law must be implemented.

Local education agencies (LEAs) have extensive responsibilities under law and policy regarding instruction of the human sexuality curriculum, and for approval of all materials that are used in this instruction. Each LEA is required to have a health curriculum committee that recommends which resources are used in secondary human sexuality education. These committees can modify the core to be more restrictive than the law allows, but cannot be more permissive. Schools and teachers **may not** use materials or speakers that have not been approved by the LEA's Board of Education.

Utah's human sexuality curriculum can be described as "abstinence plus." The law specifies that abstinence before marriage must be emphasized, but allows descriptions of contraception as long as the discussion does not advocate for, or encourage the use of, contraception. This has resulted in controversy regarding how to teach about contraceptives.

Last winter, the Utah State Office of Education (USOE) created a **draft** PowerPoint presentation on contraception. It was sent to several district health specialists and other organizations for comment. The USOE received complaints that some of the information provided to students was too detailed, and that pictures of students and pictures of the contraceptives should not be used. Other reviewers complained that the PowerPoint was not detailed enough. The USOE leadership made a decision that the draft would not be used, and it was not sent on to the State Board or to LEAs for approval.

It has come to the USOE's attention that some schools and teachers have a copy of the draft presentation and intend to use it. We ask that you inform your schools that this draft **must not** to be used. It is not approved by the State Board. If an LEA wants to create their own materials, they may do so; however, great care should be exercised to ensure compliance with Board Rule and the law.

Please note and carefully review the sections below excerpted from Board Rule:

R277-474-5. School District Responsibilities.

C. Local school boards shall form curriculum materials review committees (committee) at the district or school level as follows:

- (1) The committee shall be organized consistent with R277-474-1B.
- (2) Each committee shall designate a chair and procedures.
- (3) The committee shall review and approve all guest speakers and guest presenters and their respective materials relating to human sexuality instruction in any course prior to their presentations.
- (4) The committee shall not authorize the use of any human sexuality instructional program not previously approved by the Board, approved consistent with R277-474-6, or approved under Section 53A-13-101(1)(c)(ii).
- (5) The district superintendent shall report educators who willfully violate the provisions of this rule to the Commission for investigation and possible discipline.
- (6) The district shall use the common parental notification form or a form that satisfies all criteria of the law and Board rules, and comply with timelines approved by the Board.

R277-474-6. Local Board Adoption of Human Sexuality Education Instructional Materials.

A. A local board may adopt instructional materials under Section 53A-13-101(1)(c)(iii).

B. Materials that are adopted shall comply with the criteria of Section 53A-13-101(1)(c)(iii) and:

- (1) shall be medically accurate as defined in R277-474-1G.
- (2) shall be approved by a majority vote of the local board members present at a public meeting of the board.
- (3) shall be available for reasonable review opportunities to residents of the district prior to consideration for adoption.

C. The local board shall comply with the reporting requirement of Section 53A-13-101(1)(c)(iii)(D). The report to the Board shall include:

- (1) a copy of the human sexuality instructional materials not approved by the Instructional Materials Commission that the local board seeks to adopt;
- (2) documentation of the materials' adoption in a public board meeting;
- (3) documentation that the materials or program meets the medically accurate criteria of R277-474- 6B;

(4) documentation of the recommendation of the materials by the committee;
and

(5) a statement of the local board's rationale for selecting materials not approved by the Instructional Materials Commission.

D. The local board's adoption process for human sexuality instructional materials shall include a process for annual review of the board's decision. This decision may be appealed by a designated number or percentage of district patrons as defined by the local board.

Please let me know if you have any questions regarding this matter.

Sincerely,



Brenda Hales, M.Ed.

Associate Superintendent

Utah State Office of Education