

**Effective 1/24/2018**

**Part 4  
Health Curriculum Requirements**

**53G-10-401 Definitions.**

Reserved

Enacted by Chapter 3, 2018 General Session

**53G-10-402 Instruction in health -- Parental consent requirements -- Conduct and speech of school employees and volunteers -- Political and religious doctrine prohibited.**

(1) As used in this section:

- (a) "LEA governing board" means a local school board or charter school governing board.
- (b) "Refusal skills" means instruction:
  - (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or adult;
  - (ii) in a student's obligation to stop the student's sexual advances if refused by another individual;
  - (iii) informing a student of the student's right 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.

(2)

- (a) The state board shall establish curriculum requirements under Section 53E-3-501 that include instruction in:
  - (i) community and personal health;
  - (ii) physiology;
  - (iii) personal hygiene;
  - (iv) prevention of communicable disease;
  - (v) refusal skills; and
  - (vi) the harmful effects of pornography.
- (b) The state board shall make rules that, and instruction shall:
  - (i) stress the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases;
  - (ii) stress personal skills that encourage individual choice of abstinence and fidelity;
  - (iii) prohibit instruction in:
    - (A) the intricacies of intercourse, sexual stimulation, or erotic behavior;
    - (B) the advocacy of premarital or extramarital sexual activity; or
    - (C) the advocacy or encouragement of the use of contraceptive methods or devices; and
  - (iv) except as provided in Subsection (2)(d), allow instruction to include information about contraceptive methods or devices that stresses effectiveness, limitations, risks, and information on state law applicable to minors obtaining contraceptive methods or devices.
- (c) The state board shall make rules for an LEA governing board that adopts instructional materials under Subsection (2)(g)(ii) that:

- (i) require the LEA governing board to report on the materials selected and the LEA governing board's compliance with Subsection (2)(h); and
    - (ii) provide for an appeal and review process of the LEA governing board's adoption of instructional materials.
  - (d) The state board may not require an LEA to teach or adopt instructional materials that include information on contraceptive methods or devices.
  - (e)
    - (i) 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.
    - (ii) Subsection (2)(e)(i) does not preclude an instructor from responding to a spontaneous question as long as the response is consistent with the provisions of this section.
  - (f) The state board shall recommend instructional materials for use in the curricula required under Subsection (2)(a) after considering evaluations of instructional materials by the State Instructional Materials Commission.
  - (g) An LEA governing board may choose to adopt:
    - (i) the instructional materials recommended under Subsection (2)(f); or
    - (ii) other instructional materials in accordance with Subsection (2)(h).
  - (h) An LEA governing board that adopts instructional materials under Subsection (2)(g)(ii) shall:
    - (i) ensure that the materials comply with state law and board rules;
    - (ii) base the adoption of the materials on the recommendations of the LEA governing board's Curriculum Materials Review Committee; and
    - (iii) adopt the instructional materials in an open and regular meeting of the LEA governing 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.
- (3)
- (a) A student shall receive instruction in the courses described in Subsection (2) on at least two occasions during the period that begins with the beginning of grade 8 and the end of grade 12.
  - (b) At the request of the state board, the Department of Health shall cooperate with the state board in developing programs to provide instruction in those areas.
- (4)
- (a) The state 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 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 state board shall also provide procedures for disciplinary action for violation of Section 76-7-322 or 76-7-323.
- (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 (5)(a) also apply to a school employee or volunteer acting outside of the school employee's or volunteer's official capacities if:

- (i) the employee or volunteer knew or should have known that 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) The state board or an LEA governing board may not allow training of school employees or volunteers that supports or encourages criminal conduct.
- (d) The state board shall adopt rules implementing this section.
- (e) Nothing in this section limits the ability or authority of the state board or an LEA governing 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.
- (6) Except as provided in Section 53G-10-202, political, atheistic, sectarian, religious, or denominational doctrine may not be taught in the public schools.
- (7)
  - (a) An LEA governing board and an LEA governing board's employees shall cooperate and share responsibility in carrying out the purposes of this chapter.
  - (b) An LEA governing board shall provide appropriate professional development for the LEA governing 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 professional development.
  - (c) An LEA governing board shall make the written materials described in Subsection (7)(b) available to classified employees, students, and parents of students.
  - (d) In order to assist an LEA governing board in providing the professional development required under Subsection (7)(b), the state board shall, as appropriate, contract with a qualified individual or entity possessing expertise in the areas referred to in Subsection (7)(b) to develop and disseminate model teacher professional development programs that an LEA governing board may use to train the individuals referred to in Subsection (7)(b) to effectively teach the values and qualities of character referenced in Subsection (7).
  - (e) In accordance with the provisions of Subsection (5)(c), professional development may not support or encourage criminal conduct.
- (8) An LEA governing board shall review every two years:
  - (a) LEA governing board policies on instruction described in this section;
  - (b) for a local school board 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 LEA governing board.
- (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.

Amended by Chapter 196, 2019 General Session

Amended by Chapter 293, 2019 General Session

**53G-10-403 Required parental consent for sex education instruction.**

(1) As used in this section:

(a)

(i) "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) reproductive anatomy;
- (E) physiology;
- (F) pregnancy;
- (G) marriage;
- (H) childbirth;
- (I) parenthood;
- (J) contraception;
- (K) HIV/AIDS;
- (L) sexually transmitted diseases; or
- (M) refusal skills, as defined in Section 53G-10-402.

(ii) "Sex education instruction" does not include child sexual abuse prevention instruction described in Section 53G-9-207.

(b) "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 sex education instruction to the student.

(3) If a student's parent chooses not to have the student participate in sex education instruction, a school shall:

- (a) waive the requirement for the student to participate in the sex education instruction; or
- (b) provide the student with a reasonable alternative to the 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 sex education instruction if a school:

- (a) waives the student's sex education instruction requirement in Subsection (3)(a); or
- (b) provides the student with a reasonable alternative to the 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 sex education instruction as described in Subsection (3).

Amended by Chapter 293, 2019 General Session

**53G-10-404 Adoption information.**

(1) For a school year beginning with or after the 2012-13 school year, a local school board shall ensure that an annual presentation on adoption is given to its secondary school students in grades 7-12, so that each student receives the presentation at least once during grades 7-9 and at least once during grades 10-12.

(2) The presentation shall be made by a licensed teacher as part of the health education core.

Renumbered and Amended by Chapter 3, 2018 General Session

**53G-10-405 Instruction on the harmful effects of alcohol, tobacco, and controlled substances -- Rulemaking authority -- Assistance from the Division of Substance Abuse and Mental Health.**

- (1) The state board shall adopt rules providing for instruction at each grade level on the harmful effects of alcohol, tobacco, and controlled substances upon the human body and society. The rules shall require but are not limited to instruction on the following:
  - (a) teaching of skills needed to evaluate advertisements for, and media portrayal of, alcohol, tobacco, and controlled substances;
  - (b) directing students towards healthy and productive alternatives to the use of alcohol, tobacco, and controlled substances; and
  - (c) discouraging the use of alcohol, tobacco, and controlled substances.
- (2) At the request of the state board, the Division of Substance Abuse and Mental Health shall cooperate with the state board in developing programs to provide this instruction.
- (3) The state board shall participate in efforts to enhance communication among community organizations and state agencies, and shall cooperate with those entities in efforts which are compatible with the purposes of this section.

Amended by Chapter 293, 2019 General Session

**53G-10-406 Underage Drinking Prevention Program -- State board rules.**

- (1) As used in this section:
  - (a) "Advisory council" means the Underage Drinking Prevention Program Advisory Council created in this section.
  - (b) "Program" means the Underage Drinking Prevention Program created in this section.
  - (c) "School-based prevention program" means an evidence-based program intended for students aged 13 and older that:
    - (i) is aimed at preventing underage consumption of alcohol;
    - (ii) is delivered by methods that engage students in storytelling and visualization;
    - (iii) addresses the behavioral risk factors associated with underage drinking; and
    - (iv) provides practical tools to address the dangers of underage drinking.
- (2) There is created the Underage Drinking Prevention Program that consists of:
  - (a) a school-based prevention program for students in grade 7 or 8; and
  - (b) a school-based prevention program for students in grade 9 or 10 that increases awareness of the dangers of driving under the influence of alcohol.
- (3)
  - (a) Beginning with the 2018-19 school year, an LEA shall offer the program each school year to each student in grade 7 or 8 and grade 9 or 10.
  - (b) An LEA shall select from the providers qualified by the state board under Subsection (6) to offer the program.
- (4) The state board shall administer the program with input from the advisory council.
- (5) There is created the Underage Drinking Prevention Program Advisory Council comprised of the following members:
  - (a) the executive director of the Department of Alcoholic Beverage Control or the executive director's designee;
  - (b) the executive director of the Department of Health or the executive director's designee;
  - (c) the director of the Division of Substance Abuse and Mental Health or the director's designee;

- (d) the director of the Division of Child and Family Services or the director's designee;
  - (e) the director of the Division of Juvenile Justice Services or the director's designee;
  - (f) the state superintendent or the state superintendent's designee; and
  - (g) two members of the state board, appointed by the chair of the state board.
- (6)
- (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board shall qualify one or more providers to provide the program to an LEA.
  - (b) In selecting a provider described in Subsection (6)(a), the state board shall consider:
    - (i) whether the provider's program complies with the requirements described in this section;
    - (ii) the extent to which the provider's underage drinking prevention program aligns with core standards for Utah public schools; and
    - (iii) the provider's experience in providing a program that is effective at reducing underage drinking.
- (7)
- (a) The state board shall use money from the Underage Drinking Prevention Program Restricted Account described in Section 53F-9-304 for the program.
  - (b) The state board may use money from the Underage Drinking Prevention Program Restricted Account to fund up to .5 of a full-time equivalent position to administer the program.
- (8) The state board shall make rules that:
- (a) beginning with the 2018-19 school year, require an LEA to offer the Underage Drinking Prevention Program each school year to each student in grade 7 or 8 and grade 9 or 10; and
  - (b) establish criteria for the state board to use in selecting a provider described in Subsection (6).

Amended by Chapter 293, 2019 General Session