Curriculum:  
*Human Sexuality*

Definitions—

The following definitions apply in this policy:

1. "Curriculum materials review committee (committee)" means a committee formed at the District or school level, as determined by the Board of Education, 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 Board, shall meet on a regular basis as determined by the membership, shall select its own officers and shall be subject to the Utah Open and Public Meetings Act.

2. "Human sexuality instruction or instructional programs" means any course material, unit, class, lesson, activity or presentation that, as the focus of the discussion, provides instruction or information to students about sexual abstinence, human sexuality, human reproduction, reproductive anatomy, physiology, pregnancy, marriage, childbirth, parenthood, contraception, HIV/AIDS or 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. "Human sexuality instruction" also includes instruction on child sexual abuse prevention and awareness.

3. "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.

4. "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.

*Utah Admin. Rules R277-474-1 (August 8, 2011)*  

Parental Permission Form Required for Participation—

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Kane County School District
Students may not participate in any human sexuality instruction or instructional program unless, prior to the student’s participation, the school has on file for that student a completed parental notification form relating to that specific instruction or program which indicates that the student’s parent or guardian authorizes the student to participate. Completed permission forms shall be maintained in the student’s educational records.

Utah Admin. Rules R277-474-1H (August 8, 2011)

Health and Human Sexuality Guidelines—

All health and human sexuality education shall stress the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods of preventing sexually transmitted diseases. The curriculum and education shall also stress personal skills that encourage individual choice of abstinence and fidelity in marriage.

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.

Nothing in this policy precludes an educator from responding to a spontaneous question provided that the response is consistent with this policy.


The following may not be taught in District schools:

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

Utah Admin. Rules R277-474-3A (August 8, 2011)

Sexual Abuse Prevention and Awareness—

Beginning with the 2016-17 school year, schools in the District shall provide instruction to elementary school students on child sexual abuse prevention and awareness using the instructional materials approved by the State Board of Education for that purpose. However, before an individual student may receive this instruction, the student’s parent or guardian must be notified in advance of the instruction and the content of the instruction and of the parent or guardian’s right to have the student excused from the instruction, given an opportunity to review the instruction materials, and be allowed to be present when the instruction is delivered. A parental permission form (as outlined above) must be received for each student before that student receives the instruction. Upon the written request of a parent or guardian, a student shall be excused from the instruction.

Instructional Staff Training and In-service—

District staff who have responsibility for some aspect of human sexuality instruction in the District may include administrators, teachers, counselors, teacher’s assistants, or coaches, but are not necessarily limited to those categories.

In their first year of service or assignment, all newly hired or newly assigned District staff who have responsibility for any aspect of human sexuality instruction in the District will attend a State-sponsored in-service outlining the human sexuality curriculum and the criteria for human sexuality instruction in any courses offered in the public education system.

All District staff who have any responsibility for any aspect of human sexuality instruction in the District will attend District training outlining the human sexuality curriculum and the criteria for human sexuality instruction in any courses offered in the public education system at least once every three (3) years.


Human Sexuality Curriculum Materials Review Committee

The Board of Education shall appoint a District Human Sexuality Curriculum Materials Review Committee. This committee shall be composed of parents, health professionals, school health educators, and administrators, with at least as many parent members as school employee members. The Board shall review the membership of the committee by August 1 of each year, making new appointments as necessary or appropriate.

The District Human Sexuality Curriculum Materials Review Committee shall meet on a regular basis as determined by the members of the committee, shall establish procedures for operation, and shall designate a chair.

Utah Admin. Rules R277-474-1B (August 8, 2011)
Utah Admin. Rules R277-474-5C (August 8, 2011)

Review of Guest Presentations Relating to Human Sexuality

Before any guest speaker or guest presenter may present any information in any District course relating to human sexuality instruction, the speaker and presenter and the materials to be presented must have been approved by the District Human Sexuality Curriculum Materials Review Committee.

The committee shall not authorize the use of any human sexuality instructional program which has not been previously approved for use in the District as set forth below regarding curriculum approval.

Utah Admin. Rules R277-474-5C (August 8, 2011)

Adoption of District Human Sexuality Instructional Materials
The Board of Education hereby adopts for use in the schools of the District the human sexuality instructional materials recommended by the Utah State Office of Education. All human sexuality instruction in the District shall make use of those instructional materials.

*Utah Admin. Rules R277-474-4C (August 8, 2011)*

*Utah Admin. Rules R277-474-6 (August 8, 2011)*

**Monitoring of Human Sexuality Instruction**

Each school in the District shall log and track all parental or community complaints and comments resulting from student participation in human sexuality instruction in the school, including disposition of any complaints made. This information shall be provided to District administration on a monthly basis during the school year.

District administration shall compile and maintain records of parental or community complaints and comments resulting from student participation in human sexuality instruction in the District, including disposition of complaints, and shall provide that information to the Utah State Office of Education upon request.

*Utah Admin. Rules R277-474-5B(7) (August 8, 2011)*
*Utah Admin. Rules R277-474-7C (August 8, 2011)*
Clubs: Curricular and Noncurricular Student Groups

Purpose
The Board of Education of the Kane School District has determined that the educational goals of the School District are furthered by recognizing curricular clubs. (As so indicated in this policy, Noncurricular Club are not authorized by Board Policy).

Definitions
The following definitions apply to this Policy: 1) "Bigotry" means action or advocacy of imminent action involving:
   a) the harassment or denigration of a person or entity; or
   b) any intent to cause a person not to freely enjoy or exercise any right secured by the constitution or laws of the United States or the state, except that an evaluation or prohibition may not be made of the truth or falsity of any religious belief or expression of conscience unless the means of expression or conduct arising therefrom violates the standards of conduct outlined by law.
2) "Club" means any student organization that meets during noninstructional time.
3) "Conscience" means a standard based upon learned experiences, a personal philosophy or system of belief, religious teachings or doctrine, an absolute or external sense of right and wrong which is felt on an individual basis, a belief in an external absolute, or any combination of the foregoing.
4) "Curricular club" means a club that is school sponsored and that may receive leadership, direction, and support from the school or school district beyond providing a meeting place during noninstructional time. An elementary school curricular club means a club that is organized and directed by school sponsors at the elementary school. A secondary school curricular club means a club:
   a) whose subject matter is taught or will soon be taught in a regular course; b) whose subject matter concerns the body of courses as a whole; c) in which participation is required for a particular course; or d) in which participation results in academic credit.
5) "Discretionary time" means school-related time for students that is not instructional time, including free time before and after school, during lunch and between classes or on buses, and private time before athletic and other events or activities.
6) "Encourage criminal or delinquent conduct" means action or advocacy of imminent action that violates any law or administrative rule, but does not include discussions concerning changing of laws or rules, or actions taken through lawfully established channels to effectuate such change.
7) "Instructional time" means time during which a school is responsible for a student and the student is required or expected to be actively engaged in a learning activity, including instructional activities in the classroom or study hall during regularly scheduled hours, required activities outside the classroom, and counseling, private conferences, or tutoring provided by school employees or volunteers acting in their official capacities during or outside of regular school hours.
8) "Involves human sexuality" means:
   a) presenting information in violation of laws governing sex education, including Sections 53A-13-101 and 53A-13-302;
   b) advocating or engaging in sexual activity outside of legally recognized marriage or
forbidden by state law; or

c) presenting or discussing information relating to the use of contraceptive devices or
substances, regardless of whether the use is for purposes of contraception or personal
health.

9) "Limited open forum" means a forum created by the District for student expression
within the constraints of Subsection 53A-13-101.3(2)(b).

10) "Noncurricular club" is a student-initiated group that may be authorized and allowed
school facilities use during noninstructional time in secondary schools by a school and
school governing board in accordance with law. A noncurricular club's meetings, ideas, and
activities are not sponsored or endorsed in any way by the Board, the District or District
employees. A noncurricular club shall have a minimum of three members.

11) "Noninstructional time" means time set aside by a school before instructional time
begins or after instructional time ends, including discretionary time.

12) "Religious club" means a noncurricular club designated in its application as either being
religiously based or based on expression or conduct mandated by conscience.

13) "School facilities use" means access to a school facility, premises, or playing field.
"School facilities use includes access to a limited open forum.

Limited Open Forum and Reservation of Right to Close Forum
Schools within the District may establishes and maintain a limited open forum for student
clubs pursuant to law, State Board of Education rules, and District Policy. Notwithstanding,
the Board of Education retains the right to create a closed forum in the District or at any of
its schools at any time by allowing curricular clubs only. Accordingly, on August 9, 2012
the Kane County Board of Education voted to make this policy a closed forum and allow
only curriculum clubs to be considered for approval.

Delegation of Authority to Local Schools
The Board hereby authorizes local schools within the school District to review applications
for club authorization. A local school principal shall review applications for authorization
of clubs on a case-by-case basis. Before granting an authorization, the school shall find that
the proposed club meets the requirements of a curricular club or a noncurricular club, and
that the proposed club's purpose and activities comply with this Policy. A school shall grant
authorization and school facilities use to curricular and noncurricular clubs whose
applications are found to meet the requirements of this part, rules of the State Board of
Education, and policies of the District and shall limit or deny authorization or school
facilities use to proposed clubs that do not meet the requirements of this part, rules of the
State Board of Education, and policies of the District.
determined by student body election or clubs that are governed by an association that regulates interscholastic activities are exempted from these application requirements.

1) An application for authorization of a curricular club shall include:
   a) the recommended club name, which must be consistent with the club's purposes and school sponsorship;
   b) a statement of the club's purpose, goals, and activities;
   c) a statement of the club's categorization, which shall be included in the parental consent required under Section 53A-11-1210, indicating all of the following that may apply: i) athletic; ii) business/economic; iii) agriculture; iv) art/music/performance; v) science; vi) gaming; vii) religious; viii) community service/social justice; and ix) other;
   d) the recommended meeting times, dates, and places;
   e) a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and
   f) a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.

2) If the school finds that the proposed club is a noncurricular club, the school may:
   a) return the application to the faculty member or students proposing the club for amendment; or
   b) review the application as an application for authorization of a noncurricular club.

Noncurricular Club Annual Application for Authorization

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Students proposing a noncurricular club shall submit a written application for authorization on a form approved by the District.

1) An application for authorization of a noncurricular club shall include:
   a) the recommended club name, which must reasonably reflect the club's purpose, goals, and activities;
   b) a statement of the club's purpose, goals, and activities;
   c) a statement of the club's categorization, which shall be included in the parental consent required under Section 53A-11-1210, indicating all of the following that may apply: i) athletic; ii) business/economic; iii) agriculture; iv) art/music/performance; v) science; vi) gaming; vii) religious; viii) community service/social justice; and ix) other;
   d) the recommended meeting times, dates, and places;
   e) a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and
   f) a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.

Name Approval

A school may grant access to the club but condition such access on the change of the club name to ensure that the club name:

1) accurately reflects the actual nature, purpose and activities of the club;
2) does not improperly imply school sponsorship or affiliation; or
3) will not result in undue disruption of school operations, subject students to harassment or persecution, imply inappropriate association with any non-school organizations or groups, or imply that the club would operate in violation of laws or rules.
Clubs – Limitations and Denials

Paragraph Body Text

1) A school shall limit or deny authorization or school facilities use to a club or require changes prior to granting authorization or school facilities use:
   a) as the school determines it to be necessary to
   i) protect the physical, emotional, psychological, or moral well-being of students and faculty;
   ii) maintain order and discipline on school premises;
   iii) prevent a material and substantial interference with the orderly conduct of a school's educational activities;
   iv) protect the rights of parents or guardians and students; or
   v) ensure compliance with all applicable laws, rules, regulations, and policies; or
   b) whose proposed application and proposed activities indicate students or advisors in club related activities would as a substantial, material, or significant part of their conduct or means of expression:
      i) encourage criminal or delinquent conduct;
      ii) promote bigotry;
      iii) involve human sexuality; or
      iv) involve any effort to engage in or conduct mental health therapy, counseling, or psychological services for which a license would be required under state law.

2) If a school or the District limits or denies authorization to a club, the school or the District shall provide, in writing, to the applicant the factual and legal basis for the limitation or denial.

Faculty Oversight of Authorized Clubs

Paragraph Body Text

1) A school shall approve the faculty sponsor, supervisor, or monitor for each authorized curricular, noncurricular, and religious club to provide oversight consistent with this Policy and the needs of the school to ensure that the methods of expression, religious practices, or other conduct of the students or advisors involved do not:
   a) unreasonably interfere with the ability of school officials to maintain order and discipline;
   b) unreasonably endanger or threaten the well-being of persons or property; or
   c) violate concepts of civility or propriety appropriate to a school setting; or
   d) violate applicable laws, rules, regulations, and policies.

2) Sponsors. a) A school shall annually approve faculty members as sponsors of curricular clubs. b) Sponsors shall organize and direct the purpose and activities of a curricular club.

3) Supervisors and monitors.
   a) A school shall approve faculty members to serve as supervisors and monitors for authorized noncurricular clubs.

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c) A monitor approved for a religious club may not participate in the activities of the religious club, except to perform the supervisory role required by this Policy.
d) The approval of a faculty supervisor or monitor does not constitute school sponsorship of the club.

4) Without the prior approval by the school, a person who is not a school faculty member or a club member may not:
a) make a presentation to a noncurricular club; or b) direct, conduct, control, or regularly attend the meetings of a noncurricular club.

Use of School Facilities by Clubs
A school shall determine and assign school facilities use for curricular and noncurricular clubs consistent with the needs of the school.
1) The following rules apply to curricular clubs:
a) in assigning school facilities use, the administrator may give priority to curricular clubs over noncurricular clubs; and
b) the school may provide financial or other support to curricular clubs.
2) The following rules apply to noncurricular clubs:
a) a preference or priority may not be given among noncurricular clubs;
b) a school shall only provide the space for noncurricular club meetings;
c) a school may not spend public funds for noncurricular clubs, except as required to implement the provisions of this part, including providing space and faculty oversight for noncurricular clubs;
d) a school shall establish the noninstructional times during which noncurricular clubs may meet;
e) a school may establish the places that noncurricular clubs may meet;
f) a school may set the number of hours noncurricular clubs may meet per month, provided that all noncurricular clubs shall be treated equally; and
g) a school shall determine what access noncurricular clubs shall be given to the school newspaper, yearbook, bulletin boards, or public address system, provided that all noncurricular clubs shall be treated equally.

Club Membership
A school shall require written parental or guardian consent for student participation in all curricular and noncurricular clubs at the school.
1) Membership in curricular clubs is governed by the following rules:

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a) membership may be limited to students who are currently attending the sponsoring school or school district; and members who attend a school other than the sponsoring school shall have, in addition to the consent required under Section 53A-11-1210, specific parental or guardian permission for membership in a curricular club at another school;
b) curricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and try-outs may not require activities that violate the provisions of this Policy and other applicable laws, rules, and policies;
c) other rules as determined by the State Board of Education, school district, or school.
2) Membership in noncurricular clubs is governed by the following rules: a) student membership in a noncurricular club is voluntary; b) membership shall be limited to students who are currently attending the school;
c) noncurricular clubs may require that prospective members try out based on objective
criteria outlined in the application materials; and try-outs may not require activities that violate the provisions of this Policy and other applicable laws, rules, and policies; and
d) other rules as determined by the State Board of Education, school district, or school.

Materials Presented at Noncurricular Club Meetings
A copy of any written or other media materials that were presented at a noncurricular club meeting by a nonschool person shall be delivered to a school administrator no later than 24 hours after the noncurricular club meeting and, if requested, a student's parent or legal guardian shall have an opportunity to review those materials.

Parental or Guardian Consent
A school shall require written parental or guardian consent for student participation in all curricular and noncurricular clubs at the school.

1) The consent shall include an activity disclosure statement containing the following information:
a) the specific name of the club;
b) a statement of the club's purpose, goals, and activities;
c) a statement of the club's categorization, which shall be obtained from the application for authorization of a club in accordance with the provisions of Section 53A-11-1204 or 53A-11-1205, indicating all of the following that may apply:
i) athletic; ii) business/economic; iii) agriculture;
iv) art/music/performance; v) science; vi) gaming vii) religious; viii) community service/social justice; and ix) other;
d) beginning and ending dates;
e) tentative schedule of the club activities with dates, times, and places specified;
f) personal costs associated with the club, if any;
g) the name of the sponsor, supervisor, or monitor who is responsible for the club; and
h) any additional information considered important for the students and parents to know.

2) All completed parental consent forms shall be filed by the parent or the club's sponsor, supervisor, or monitor with the school's principal or designee.

Violations – Investigations – School Responses
1) A school shall investigate any written complaint that an authorized curricular or noncurricular club is:
a) participating in activities beyond the scope of its purpose; or
b) in violation of a provision of this part or another applicable law, rule, regulation, or policy.

2) After meeting with the faculty sponsor, faculty supervisor, or faculty monitor, the students involved, and the person making the written complaint, if a violation is substantiated, the school may do any of the following:
a) allow the club's original statement of its purpose, goals, and activities to be modified to include the activities if they are in compliance with the provisions of this part and other applicable laws, rules, regulations, or policies;
b) instruct the faculty sponsor, supervisor, or monitor not to allow similar violations in the future;
c) limit or suspend the club's authorization or school facilities use pending further
corrective action as determined by the school; or
  d) terminate the club's authorization and dissolve the club.

3) Any limitation on expression, practice, or conduct of any student, advisor, or guest in
   a meeting of a curricular or noncurricular club, or limitation on school facilities use, shall
   be by the least restrictive means necessary to satisfy the school's interests as identified in this
   part.

Appeals
1) Each completed application or written complaint shall be approved, denied, or
   investigated by the school within a reasonable amount of time.
2) If an application or complaint is denied, written reasons for the denial or results of
   the investigation shall be stated and, if appropriate, suggested corrections shall be made to
   remedy the deficiency.
3) Each club that is denied school facilities use shall be informed at the time of the
   denial of the factual and legal basis for the denial and, if appropriate, how the basis for the
   denial could be corrected.
4) If denied, suspended, or terminated, a club, student desire of participating or
   speaking, or a complaining parent or guardian, has ten school days from the date of the
   denial, suspension, or termination to file a written appeal from the denial, suspension, or
   termination to the Board of Education or its designee.
5) The Board of Education or its designee shall issue a determination within a
   reasonable amount of time from receipt of the appeal, which decision is final and
   constitutes satisfaction of all administrative remedies unless the time for evaluation is
   extended by agreement of all parties.
6) A person directly affected by a decision made in accordance with the provisions of
   this part may appeal the decision by writing to the Board of Education or its designee.

Construction of Policy with Respect to Certain Rights
Nothing in this Policy is intended to:
1) Influence the form or content of any prayer or other religious activity;
2) Require any person, student, or employee to participate in any prayer or other
   religious activities;
3) Compel any school employee to attend a meeting of a noncurricular student group if
   the content of the speech at the meeting is contrary to the beliefs of the employee;
4) Sanction meetings that are otherwise unlawful; or 5) Abridge the constitutional rights
   of any person.
Student Conduct: Demonstrations

Demonstrations
Students shall be subject to the provisions of Board policy regarding disruptive behavior.

Any demonstration on school property during school hours must be authorized by the school's principal in writing.

Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast substantial disruption of, or material interference with, normal school operations or approved school activities.

The evidence must support a "reasonable forecast of substantial disruption" of school operations; "undifferentiated fear" or mere apprehension of disturbance is not sufficient to justify restrictions on students' otherwise legitimate right to freedom of expression.

Violations
Students who participate in any prohibited activities described above are subject to disciplinary action, based on the severity of the violation and its overall effect on the welfare of other students.

Tinker v. Des Moines, 393 U.S. 503 (1969)
Burnside v. Byars, 363 F.2d 744 (1966)