Human Sexuality Instruction - State Law and Policy

Utah State Law requires that all teachers, regardless of content area, follow specific guidelines in teaching any aspect of human sexuality. The primary requirement is that all new and newly assigned teachers of human sexuality attend a state-sponsored in-service training illustrating State Law and State Office of Education Rule governing human sexuality curriculum and delivery, and to attend a follow-up or refresher training every three years. Trainings will be offered at district sites throughout the state of Utah and will be listed on the USOE Health and Science websites. Consent letters in a number of languages will also be available for downloading from either site.

Until the trainings take place, please remember to observe the following laws/rules in teaching any element of human sexuality in your curriculum:

- Stress the importance of abstinence from all sexual activity before marriage and fidelity after marriage
- At least two weeks prior to instruction, have the USOE consent form completed by parents required for instruction that includes reproductive anatomy and health, contraception including condoms, human reproduction, HIV/AIDS, sexually transmitted disease and information on self-exams
- Have all program materials/curriculum and guest speakers supporting instruction on the topics listed above reviewed by the local district’s human sexuality review committee
- Welcome parents to visit who wish to see the curriculum offerings before signing consent form
- Provide an alternate activity in a supervised place for students whose parents do not approve of the curriculum offerings

- *The following may NOT be taught:*
  - the intricacies of intercourse, sexual stimulation or erotic behavior
  - the advocacy of homosexuality
  - the advocacy or encouragement of contraceptive methods or devices
  - the advocacy of sexual activity outside of marriage
- Plan to attend an upcoming training!

If you are interested in becoming a trainer for your district or are in need of additional information, please contact:

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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.

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.

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.
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.


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
Utah State Law
And
State Board of
Education Rule

*Human Sexuality
Instruction*
Health Education, Science, Adult Roles Classes

UTAH STATE LAW
MANDATES:

- That instruction shall stress the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases.
- Instruction in human sexuality shall be consistent and systematic in grades 7 through 12.

UTAH STATE LAW
MANDATES:

- Teachers will comply with the parental consent requirements.
- Schools will instruct students in community and personal health, physiology, personal hygiene, and prevention of communicable disease.
State Board of Education Rule
and Utah State Law Mandates:

The following may NOT be taught:

- The intricacies of intercourse, sexual stimulation, or erotic behavior;
- The advocacy of homosexuality;
- The advocacy or encouragement of contraceptive methods or devices;
- The advocacy of sexual activity outside of marriage.

State Board of Education Rule:

USOE Will:

- Approve all sexuality education programs through the State Instructional Materials Commission.
- Approve only medically accurate programs.
- Provide annual in-service programs and training on law and rules specific to human sexuality instruction for new and/or newly assigned teachers of human sexuality instruction.

State Board of Education Rule:

USOE Will:

- Provide a parent/guardian consent form with the guidelines that all schools will use.
- Receive and track parent and community complaints/comments.
State Board of Education Rule:

Course materials and instruction must be free from bias related to the following:

- Religious
- Racial
- Ethnic
- Gender

School District Responsibilities:

- Assure that all new and newly assigned teachers attend the state-sponsored inservice.
- Provide in-service update related to law/rule every 3 years.
- Establish a review committee to approve sexuality programs and guest speakers.
- Consider first those programs on the RIMS database.
- Use the USOE parental consent form.

School District Responsibilities:

- Work with parents (if requested) who have opted their children out of a course.
- Approve only medically accurate materials.
- May instruct in gender-separate settings.
School Educator Responsibilities:
- Participate in state and district in-service.
- Use the state-developed parental consent form.
- Individually record parent and community complaints, comments, and educator responses.

Utah School 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 (answers must be scientifically accurate).
Choose to answer

School Educator Accountability:
If an educator willfully violates a law or the State Board of Education rule, they may face sanctions by the Commission.
Counselor, Nurse, or Other Guest Speaker Responsibilities:

- School counselors, nurses, and/or guest speakers must follow the same guidelines as teachers when providing instruction - extension of you.
- Guest speakers from outside the school system must be approved by the local review committee.

Parent Rights/Responsibilities:

- Review materials
- Sign the consent form with an option identified
- May exempt child from instruction (on parents' schedule)
- Instruct child in information missed in school

Materials/Instruction That Require Parental Consent As Indicated On Consent Form:

- Reproductive anatomy and health
- Contraception, including condoms
- Human reproduction
- HIV/AIDS
- Sexually transmitted disease
- Information on self-exams
- Rape/Date Rape
Procedures for Consent:

- Use the USOE consent form.
- Form may be sent within the first two weeks of class.
- Send the form home at least two weeks prior to the instruction, activity, etc.
- Written consent MUST be received PRIOR to instruction.
- If a form is not returned, there is NO consent and instruction shall NOT be given.
- No implied consent

Parent and School Educator Responsibilities:

If a student is exempted from material required by the Board-approved core curriculum course, the parent shall take responsibility for the student learning the required course material.

Procedures for Opted-Out Students:

- If requested, provide parents with materials for home instruction.
- Arrange for a supervised place within the school for the student to report during class time.
- Provide an alternative assignment (if appropriate).
- Make arrangements with student prior to class time.
- Do not test on information missed by opting out.