

I-12: Administrative Procedures

Human Sexuality Education



REFERENCES

[Board Policy I-12: Human Sexuality Education](#)

DEFINITIONS

Parent: For purposes of these administrative procedures and the corresponding board policy, “parent” means:

- A. a biological or adoptive parent;
- B. a legal guardian or other individual legally authorized to make educational decisions for the child;
- C. an individual, with whom the child lives, who is acting as a parent in the absence of a natural parent or a guardian;
- D. a foster parent if the authority of the biological or adoptive parents to make educational decisions on the child’s behalf has been terminated or specifically limited by a court order;
- E. in the absence of any individual qualified under parts A-D, a surrogate parent appointed pursuant to the Individuals with Disabilities Education Act; and/or
- F. a stepparent if the stepparent is present on a day-to-day basis with the natural parent and child, and the other parent is absent from the home. A stepparent who is not present on a day-to-day basis in the home of the child does not have rights under Family Educational Rights and Privacy Act (“FERPA”) with respect to the child’s education records. Stepparents without guardianship of a child do not have the authority to enroll or register a child in school.

“Parent” does not include the state or any political subdivision of government.

Parent/Guardian Consent Form – Sex Education Instruction: The [form](#) developed by the Utah State Board of Education which must be used by district schools for parental notification of sex education instruction, maturation programs, and sex education instructional programs.

Maturation Education: Instruction and materials used to provide fifth or sixth grade students with age-appropriate, medically 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.

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

Refusal Skills: Instruction in: a student’s ability to clearly and expressly refuse sexual advances by a minor or adult; a student’s obligation to stop the student’s sexual advances if refused by another individual; a student’s right to report and seek counseling for unwanted sexual advances; and the fact 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, regardless of whether the image is of the individual who transmits the image or of another person.

Sex Education Instruction or Instructional Programs: For the purpose of the parental consent requirement outlined in these procedures, sex education instruction or instructional programs means any course, unit, class, activity, or presentation that, as a focus of discussion, provides instruction or information to students about sexual abstinence; human development, including puberty and maturation; human reproduction; human reproductive anatomy and physiology; healthy dating practices, marriage, and parenthood, in accordance with the success sequence as defined below; adoption as allowed in Utah Code §53G-10-404; contraceptive methods or devices in accordance with Utah Code §53G-10-402(2)(b) and (c); or chronic, infectious, and acute diseases and conditions of the reproductive system, including sexually transmitted infections and diseases.

- A. Sex education instruction does not include child sexual abuse prevention instruction or instruction in refusal skills or situational awareness, as those terms are defined herein.

Situational Awareness: Instruction in a student’s ability to:

- A. observe the student’s environment, including:
 - increasing awareness; and
 - noticing details and changes in the environment; and
- B. respond in unsafe situations, including how to seek help.

Success Sequence: A three-prong framework for youth and young adults that encourages:

- A. completing at least a high school education and pursuing further educational opportunities;
 - B. obtaining full-time employment, and
 - C. having children within a healthy and stable family and marriage.
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PROCEDURES FOR IMPLEMENTATION

Sex education instruction or instructional programs are most likely discussed in such courses as health education, health occupations, human biology, physiology, parenting, adult roles, psychology, sociology, child development, and biology. However, these procedures apply to any course or class in which sex education instruction is the focus of discussion.

I. Parental Permission Required

- A. No student may receive any sex education instruction until written parental permission has been obtained; i.e., until after the parental notification form has been signed and returned to the teacher.
 1. The following may not be taught in Utah public schools through the use of instructional materials, direct instruction, or online instruction:
 - 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.
- B. The school shall provide each parent or guardian with a parental notification form which:
 1. explains a parent's right to review proposed curriculum materials in a timely manner;
 2. requests the parent's permission to instruct their student in identified course material related to sex education or maturation education;
 3. allows the parent to exempt their student from attendance for class periods when identified course material related to sex education or maturation education is presented and discussed;
 4. is specific enough to give parents fair notice of topics to be covered; and
 5. includes a brief explanation of the topics and materials to be presented and provides a time, place, and contact person for review of the identified curricular materials.
- C. Forms will be kept on file at the school for a minimum of one year.
- D. If a student's parent chooses not to have the student participate in sex education or maturation education instruction, the school shall:
 1. waive the requirement for the student to participate; or
 2. provide the student with a reasonable alternative to the sex education or maturation education instruction requirements.
- E. If a student does not participate in sex education or maturation education instruction pursuant to Section D above, the parent, in cooperation with the teacher or school, will take responsibility for the student's sex education or maturation education instruction.
- F. 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 or maturation education instruction.

II. Complaints and Violations

- A. Complaints and concerns related to the provision of human sexuality instruction should initially be handled at the school level between parents, teachers, and administrators.
- B. Each school will log and track complaints and comments resulting from student participation in sex education or maturation education instruction. The district will report the disposition of complaints to the Utah State Board of Education ("USBE") upon request.
- C. Licensed educators will individually record parent and community complaints or comments regarding sex education or maturation education instructional programs and will document their responses.
- D. Complaints that cannot be settled at the school level should be sent in writing to the district healthy lifestyles supervisor who will forward the complaint to the district human sexuality committee for review.
- E. The superintendent shall report educators who willfully violate these procedures or applicable state law to the Utah Professional Practices Advisory Commission for investigation and possible discipline.

III. District Human Sexuality Committee

- A. Membership
 1. The committee will consist of a board member, the district healthy lifestyles supervisor, elementary and secondary teachers, principals, district nurses, district media center staff, PTA/PTSA representatives, and parents.
 - a. There must be as many parents as school employees on the committee.
 - b. Parent representatives must have students currently enrolled in the district.
 2. The board shall annually appoint and review members of the committee on or before August 1.
 3. The members of the committee shall:
 - a. meet regularly, as determined by the membership;
 - b. select officers; and
 - c. comply with Utah's Open and Public Meeting Act.
- B. Duties of the committee

1. Authorize the use of sex education instructional programs or maturation education programs previously approved by the USBE.
2. Review and adopt instructional materials that are medically accurate and comply with state law.
 - a. Instructional materials will be available for reasonable review opportunities to district residents prior to consideration for adoption.
 - b. Instructional materials must be approved in a public meeting by a majority vote of the board members present.
3. Review and approve all instructional materials, speakers, special programs, and resource agencies used in any sex education or maturation education presentation.
 - a. The committee must review and approve all guest speakers and guest presenters and their respective materials relating to sex education or maturation education instruction to ensure that the information sought to be presented is medically accurate and complies with state law.
 - i. An entity employee, representative, or affiliate that performs elective abortions or provides debranded maturation curriculum is prohibited from:
 - 1) delivering instruction or programs on all health or health related topics in a school;
 - 2) providing materials or media on a health topic for distribution or display in a school, if the materials are created by, funded by, donated by, or bear the identifying mark of the entity or entity's affiliate.
 - b. Committee approval must be given before any presentation is made in the classroom.
4. Review of prior approvals
 - a. Instructional materials will be reviewed every two years from the initial date of approval to check for medical accuracy and compliance with state law.
 - b. Speakers, special programs, and resource agencies will verify in writing at the beginning of each school year that there have been no changes to their previously approved presentations.
 - i. Any changes must be reviewed and approved by the committee before their presentations.
5. Hear appeals, complaints, or other special matters pertaining to existing sex education or maturation education programs and/or instruction that have not been resolved at the school level.
6. Submit an annual written report to the board by May 31 of each year which summarizes the work performed by the committee and any complaints or concerns that were received by the district related to the district's sex education or maturation education instruction or instructional programs.
7. Update annually the Approved Materials List which may be publicly accessed through the health curriculum page on the district's website.

IV. Sex-Segregated Classes

- A. Students may request to be accommodated in any class that is segregated by sex; currently, only maturation classes are sex-segregated. As a general rule, students should be permitted to participate in the class that aligns with their gender identity.
- B. Parents of students who need an accommodation in a sex-segregated class should contact the school principal.

V. Training

- A. All newly hired or newly assigned educators with responsibility for any aspect of sex education or maturation education instruction will attend professional development outlining the appropriate curriculum and the criteria for such education.
- B. In addition to the training outlined in Section A above, the district will hold a training every three years for all educators relative to sex education and maturation education instruction and appropriate topics.
- C. A Utah educator 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 sex education.

V. Board Review of Data

- A. On or before May 31 of each year of the reporting cycle, the executive director of teaching and learning will present data to the board for its review. The information presented will include:
 1. Salt Lake County data on:
 - a. teen pregnancy;
 - b. child sexual abuse;
 - c. sexually transmitted diseases and sexually transmitted infections; and
 2. the number of pornography complaints that the district has received.