

# I-12: Administrative Procedures

## Human Sexuality Education



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### REFERENCES

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

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### 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; sexual harassment; 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 of the individual or another person.

**Sex Education Instruction or Instructional Programs:** Any course, unit, class, activity, or presentation that, as a focus of discussion, provides instruction or information to students about sexual abstinence, human sexuality, human reproduction, reproductive anatomy, physiology, pregnancy, marriage, childbirth, parenthood, contraception, sexual abuse, sexual assault, rape, HIV/AIDS, sexually transmitted diseases, or refusal skills.

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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.
    - 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.

