

Agency: UTAH STATE BOARD OF EDUCATION

Request Title: *Amendments to Topics Requiring Parental Consent*

Purpose Statement: Amend Utah Code [53G-10-402\(1\)\(a\)](#) to improve clarity and transparency to parents when making decisions about opting in their child to topics defined as sex education in health, CTE, science, and other courses. This will also improve the ability for educators to easily determine when courses require parental consent, educator law and policy training, and specific review of materials as outlined in [R277-474](#).

What is the nature of your request?

Select one:

POLICY REQUEST – You are seeking changes to Utah State Code to improve your program/services.

Questions? Please contact:

Todd Call (Todd.Call@schools.utah.gov) for questions related to a funding request and
Greg Connell (Greg.Connell@schools.utah.gov) for questions related to a policy request.

Current Funding for FY 2024:

FY 2024 Ongoing Funding = \$0

FY 2024 One-Time Funding = \$0

Projected Results:

- Utah parents will be fully informed on course material, unit, class, lesson, activity, or presentation that teaches students about sex education topics in order to decide whether or not opt their child **in** to that instruction.
- Educators will have a clear list of topics that require parental consent (opt-in), law and policy training, and instructional materials approval as described in [R277-474](#).

Rationale:

- Inform parents what topics are included under “sex education instruction” in health, CTE, science or other courses with course material or instruction as listed in Utah Code [53G-10-403](#)
- Give clarity to educators which topics require parental consent, law and policy training, and approval of materials as described in [R277-474](#). Currently, educators have difficulty determining when course standards fit under the listed topics in [53G-10-403](#) and providing definitions for all listed terms, specifically human sexuality.

If not funded/approved:

Parents and educators will not have a clear and descriptive list of topics requiring parental consent, lacking transparency on the approved [consent form](#), under Utah Code [53G-10-403](#) for sex education instruction.

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USBE Section: Deputy Superintendent of Student Achievement Administration

POLICY REQUEST

1. **Section(s) of State Code to be addressed (if none, insert "N/A"):**
Utah Code [53G-10-403](#)
2. **Summarize the request, the specific problem it will solve, and how it will solve the problem.** Utah Code [53G-10-403](#) requires parental consent for instruction on sex education. Currently, the list of topics defining sex education and therefore requiring parental consent is vague and contains terms that have many meanings causing confusion among stakeholders (e.g., human sexuality). In addition, the current list of terms is redundant, incomplete, and outdated. A few examples include:
 - a. The list includes childbirth and pregnancy but not conception and fetal development.

- b. The proposed list adds terms chronic, infectious, and acute disease. This is medically accurate and used with medical professionals. Disease prevention is an instructional requirement per [Utah Code 53G-10-402](#)
- c. The current list has HIV/AIDs separate from sexually transmitted diseases. This would not include other reproductive conditions and diseases such as cancers, endometriosis, infections that are not sexually transmitted, and irregular menstruation.

The proposed revision to the listed topics is clear, inclusive of topics taught in Utah Health, CTE, and Science standards pertaining to sexual health and reproduction, and is medically accurate.

Staff proposes the list in [53G-10-403](#) be revised to better communicate to parents, educators, and administrators what topics require parental consent for instruction and provide a clear understanding of the topics. These changes would greatly improve communication to parents regarding empowering them to make the best decision for their family, as well as clarity for teachers, to ensure they have a precise understanding of what is expected of them.

3. Describe the history of the issues or concerns including relevant context and timelines:

The list of topics in code has continually been a topic of discussion during training with educators teaching courses within the scope of sex education. Additionally, in the 2024 legislative session, a bill sought to amend the list by removing “human sexuality.” The sponsor had received concerns that the term “human sexuality” includes items that would be a violation in Utah Code [53G-10-402](#) for erotic behavior or sexual activity. Ultimately, the bill did not pass.

During sex education law and policy training with educators, staff repeatedly hears concerns that the list did not include all aspects of the standards associated with sex education and parents continually seek clarity on many of the terms and what will be taught. Staff has recommended educators use a cover letter to proactively address the concerns, define terms, and provide links to instructional materials used. This allows parents to make informed decisions when determining if their child will receive instruction on sex education standards and lessons. The proposed changes to the topics list will simplify this process and better inform parents from the beginning and additionally support educators in a clear list of when their instruction is considered “sex education.”

4. What are the suggested legislative solutions? Include code references and suggested language where possible:

Staff proposes an amendment to Utah Code [53G-10-403](#) to revise the list of items requiring parental consent. The table below outlines the current list of topics and the proposed change to that list.

Current Requirements for Parental Consent	Proposed Requirements for Parental Consent
<ul style="list-style-type: none"> 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 M. Refusal skills, as defined in Section 53G-10-402. 	<ul style="list-style-type: none"> A. Adoption and the Newborn Safe Haven Law as described in 53G-10-404 B. Chronic, infectious, and acute diseases and conditions of the reproductive system, including sexually transmitted infections and diseases (STI, STD) C. Contraceptives, including condoms (53G-10-402(2)(b)(iv)) D. Healthy relationships, including marriage and safe dating practices E. Human development, including puberty and maturation F. Human reproductive anatomy and physiology G. Human reproductive process, including conception, pregnancy, fetal development, and birth H. Parenthood I. Refusal skills as defined by in 53G-10-402 J. Sexual Abstinence

5. Provide details, sources, research, and analysis to which forms evidence-basis for this request or the associated program (e.g, cost benefit analysis, program evaluation, results from pilot program, etc). Include whether this data is currently collected and available or whether new data will be collected:

This request is supported by educators across the state. Throughout the year, the USBE staff are continually asked if the topics requiring parental consent can be amended. The data comes from the feedback from educators and parents informing staff of the need. Staff have been forwarded emails from LEA leaders asking for support in responding to parents who are angry or confused by the current list of topics. Other emails from school level administration asking for clarity on which teachers and courses need to send the consent forms and which educators need to complete the training. Almost all the

confusion is around what is taught for “human sexuality.” In addition, legislators have received requests to remove “human sexuality” from the list which has led to confusion and controversy which was demonstrated during public comment on the bill in the 2024 session.