

UTAH STATE PROFILE

Prepared with an interest in protecting the health and innocence of children, this profile provides an overview of sex education in Utah, including:

- I. Chart showing [legal requirements for sex education](#) in this state
- II. [Profile of federal funding](#) the state has been awarded for sex education
- III. Chart of federally funded [programs/curricula used in state schools](#)
- IV. Overview of the state's [sex education legislation/guidelines](#)
- V. List of [how parental rights are being undermined](#) in this state
- VI. [News articles](#) regarding sex education in the state
- VII. [Opt-out form](#) to protect your child from comprehensive sexuality education (CSE)
- VIII. Suggestions for how you can [help protect child health and stop CSE](#)
- IX. [Resources](#) for up-to-date information about sex education in this state
- X. Contact information to [connect with others](#) who are concerned about this issue.



I. LEGAL REQUIREMENTS FOR SEX EDUCATION IN UTAH

LEGISLATIVE REQUIREMENTS	YES	NO	N/A	LEGISLATIVE CODE
Sex Education Required		X		
Sex Education Optional	X			53G-10-402
If/When Provided, Sexual Education Must:				
Be Medically Accurate*			X	
Be Age Appropriate			X	
Be Evidence-based			X	
Be Culturally Appropriate and Unbiased			X	
Reference/Stress Abstinence**	X			53G-10-402.(2.b.i.A&B),53G-10-402.(2.c.iii.A)
Include HIV Education	X			53G-10-403(K)
Be LGBTQ Inclusive			X	
Include Safety Against Sexual Abuse***		X		53G-9-207, 53G-10-403(1.b.ii)
Parental Role in Sexual Education:				
Parents must be notified	X			53G-10-402.(2.c.iii.B),53G-10-402.(4.a.ii)
Parent Involvement			X	
Opt-In			X	
Opt-Out Option	X			53G-10-402.(4.a.ii), 53G-10-403(3, 4, 5)
Abortion References – No funds of the state or its political subdivisions shall be used to provide contraceptive or abortions services to an unmarried minor without the prior written consent of the minor’s parent or guardian. 76-7-322&323, 53G-10-402(4.a.i-ii)				

*See each state’s definition of “medically accurate.”

**While requirement may say “abstinence-based” or to “stress abstinence” as the standard, many CSE programs only mention abstinence in passing; they don’t establish abstinence as the expected standard and fail to emphasize abstinence as the only sure way to protect against pregnancy and sexually transmitted diseases, including AIDS.

*** Sexual Abuse is to be taught as its own entity and not in the Sexual Education Curriculum.

Note: This state profile has been prepared by Family Watch International and the Protect Child Health Coalition. While the information provided is as accurate as possible and is updated annually, **check the Resources listed below for any updates.** Also, **please alert us** if you are aware of any changes, proposed legislation or issues regarding CSE that may be occurring in your state by completing the contact form at StopCSE.org/utah or by emailing StopCSE@FamilyWatch.org.



II. UTAH SEX EDUCATION FEDERAL FUNDING PROFILE

Federal Government Programs and Grants Awarded for Utah

WARNING: While grant requirements may state that curricula/programs are to be “evidence based” or “medically accurate” in order to receive funding, research shows that, often, funds go to curricula/programs that are ineffective (See SexEdReport.org). In addition, content analyses show that many programs (Link to harmful CSE elements chart) normalize teen sex, encourage sexual pleasure-seeking, condone early sexual debut and promote high-risk sexual behaviors. **It is important to look at the actual content of every curricula rather than relying on labels assigned to them.**

DASH—Division of Adolescent and School Health, a division of the Centers for Disease Prevention (CDC), works with community partners to provide training and resource development for so-called “HIV, STD, and pregnancy prevention” programs in school-based and community settings.

- Utah received DASH funds totaling \$79,943 in fiscal year 2016.

PREP—The Personal Responsibility Education Programs, under the Family and Youth Services Bureau (FYSB), provides grants for sex education programs that are sometimes called “abstinence plus” programs and that focus on “both abstinence and contraception.”

- Utah received PREP funds totaling \$557,169 in fiscal year 2017.ⁱ

SRAE—Sexual Risk Avoidance Education grants go to curricula/programs that emphasize risk avoidance and teach youth to voluntarily refrain from non-marital sexual activity and other risky behaviors. Note: See warning above.

- Utah received NO SRAE program funds in 2016.

Title V—The TITLE V State Abstinence Education Grant Program funds abstinence education and mentoring to promote abstinence. However, note that at least one Title V program promotes promiscuity as healthy and normal. As noted above, **it is important to look at the actual content of the curricula.**

- Utah received a Title V award totaling \$511,743 in fiscal year 2017.ⁱⁱ

TPP—The Teen Pregnancy Prevention program, through the Office of Adolescent Health (OAH), funds comprehensive sex education programs for children aged 10 to 19. Note: Research shows that most TPP programs are ineffective at reducing pregnancy rates and some even increase risk. (See SexEdReport.org)

- Utah received NO TPP funding for years 2015-2019.ⁱⁱⁱ



III. FEDERALLY FUNDED SEX EDUCATION PROGRAMS IN UTAH

Note: Programs in **red** text have been analyzed and found to contain harmful content for children. Programs not in red may or may not have harmful content.

See examples exposing harmful content in various CSE curricula and materials at www.stopcse.org/cse-materials-index/. For example, the analysis of [Making a Difference](#), shows CSE programs sexualize children and encourage promiscuity and risky sexual behavior, typically without providing medically accurate information about the long-term risks associated with early sexual debut and experimentation.

Federally Funded Sex Education Programs / Curricula in Utah

Funding Source	Program or Curriculum	Funding Recipient
PREP	All4You!	Utah Department of Health
PREP	Be Proud! Be Responsible!	Utah Department of Health
PREP	Be Proud! Be Responsible! Be Protective!	Utah Department of Health
PREP	Get Real	Utah Department of Health
PREP	Families Talking Together	Utah Department of Health
TITLE V	Choosing the Best	Utah Department of Health
TITLE V	Making a Difference!	Utah Department of Health
TITLE V	Teen Outreach Program (TOP)	Utah Department of Health
TITLE V	Heritage Keepers	Utah Department of Health

See stopcse.org/cse-materials-index/ for a menu of examples and analyses exposing the harmful elements to children of specific curricula and other CSE materials.



IV. OVERVIEW OF UTAH SEX EDUCATION LEGISLATION & GUIDELINES

The following laws and guidelines apply to sex education and how sex education is taught in Utah.

According to Utah Title 53E^{iv} (June 2018)

53G-10-402. Instruction in health -- Parental consent requirements -- Conduct and speech of school employees and volunteers -- Political and religious doctrine prohibited.

(1) As used in this section:

(a) "Board" means the State Board of Education.

(b) "Local school board" means:

(i) a local board of education elected in accordance with Section [53G-4-201](#); or

(ii) a charter school governing board, as defined in Section [53G-5-102](#).

(c) "Parent" means a parent or legal guardian.

(d) "Refusal skills" means instruction:

(i) in a student's ability to clearly and expressly refuse sexual advances by a minor or adult;

(ii) in a student's obligation to stop the student's sexual advances if refused by another individual;

(iii) informing a student of the student's right to report and seek counseling for unwanted sexual advances;

(iv) in sexual harassment; and

(v) informing a student 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.

(2) (a) The board shall establish curriculum requirements under Section [53E-3-501](#) that include instruction in:

(i) community and personal health;

(ii) physiology;

(iii) personal hygiene;

(iv) prevention of communicable disease;

(v) refusal skills; and

(vi) the harmful effects of pornography.

(b) (i) That instruction shall stress:

- (A) the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases; and
 - (B) personal skills that encourage individual choice of abstinence and fidelity.
- (ii) (A) 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.
 - (B) Subsection [\(2\)\(b\)\(ii\)\(A\)](#) does not preclude an instructor from responding to a spontaneous question as long as the response is consistent with the provisions of this section.
- (c) (i) The board shall recommend instructional materials for use in the curricula required under Subsection [\(2\)\(a\)](#) after considering evaluations of instructional materials by the State Instructional Materials Commission.
 - (ii) A local school board may choose to adopt:
 - (A) the instructional materials recommended under Subsection [\(2\)\(c\)\(i\)](#); or
 - (B) other instructional materials as provided in board rule.
 - (iii) The board rule made under Subsection [\(2\)\(c\)\(ii\)\(B\)](#) shall include, at a minimum:
 - (A) that the materials adopted by a local school board under Subsection [\(2\)\(c\)\(ii\)\(B\)](#) shall be based upon recommendations of the school district's or charter school's Curriculum Materials Review Committee that comply with state law and board rules emphasizing abstinence before marriage and fidelity after marriage, and prohibiting instruction in:
 - (I) the intricacies of intercourse, sexual stimulation, or erotic behavior;
 - (II) the advocacy of premarital or extramarital sexual activity; or
 - (III) the advocacy or encouragement of the use of contraceptive methods or devices;
 - (B) that the adoption of instructional materials shall take place in an open and regular meeting of the local school board for which prior notice is given to parents of students attending the respective schools and an opportunity for parents to express their views and opinions on the materials at the meeting;
 - (C) provision for an appeal and review process of the local school board's decision; and
 - (D) provision for a report by the local school board to the board of the action taken and the materials adopted by the local school board under Subsections [\(2\)\(c\)\(ii\)\(B\)](#) and [\(2\)\(c\)\(iii\)](#).
- (3) (a) A student shall receive instruction in the courses described in Subsection [\(2\)](#) on at least two occasions during the period that begins with the beginning of grade 8 and the end of grade 12.
 - (b) At the request of the board, the Department of Health shall cooperate with the board in developing programs to provide instruction in those areas.
- (4) (a) The board shall adopt rules that:
 - (i) provide that the parental consent requirements of Sections [76-7-322](#) and [76-7-323](#) are complied with; and
 - (ii) require a student's parent to be notified in advance and have an opportunity to review the information for which parental consent is required under Sections [76-7-322](#) and [76-7-323](#).

- (b) The board shall also provide procedures for disciplinary action for violation of Section [76-7-322](#) or [76-7-323](#).
- (5)
- (a) In keeping with the requirements of Section [53G-10-204](#), and because school employees and volunteers serve as examples to their students, school employees or volunteers acting in their official capacities may not support or encourage criminal conduct by students, teachers, or volunteers.
 - (b) To ensure the effective performance of school personnel, the limitations described in Subsection [\(5\)\(a\)](#) also apply to a school employee or volunteer acting outside of the school employee's or volunteer's official capacities if:
 - (i) the employee or volunteer knew or should have known that the employee's or volunteer's action could result in a material and substantial interference or disruption in the normal activities of the school; and
 - (ii) that action does result in a material and substantial interference or disruption in the normal activities of the school.
 - (c) The board or a local school board may not allow training of school employees or volunteers that supports or encourages criminal conduct.
 - (d) The board shall adopt rules implementing this section.
 - (e) Nothing in this section limits the ability or authority of the board or a local school board to enact and enforce rules or take actions that are otherwise lawful, regarding educators', employees', or volunteers' qualifications or behavior evidencing unfitness for duty.
- (6) Except as provided in Section [53G-10-202](#), political, atheistic, sectarian, religious, or denominational doctrine may not be taught in the public schools.
- (7)
- (a) A local school board and a local school board's employees shall cooperate and share responsibility in carrying out the purposes of this chapter.
 - (b) A local school board shall provide appropriate professional development for the local school board's teachers, counselors, and school administrators to enable them to understand, protect, and properly instruct students in the values and character traits referred to in this section and Sections [53E-9-202](#), [53E-9-203](#), [53G-10-202](#), [53G-10-203](#), [53G-10-204](#), and [53G-10-205](#), and distribute appropriate written materials on the values, character traits, and conduct to each individual receiving the professional development.
 - (c) A local school board shall make the written materials described in Subsection [\(7\)\(b\)](#) available to classified employees, students, and parents of students.
 - (d) In order to assist a local school board in providing the professional development required under Subsection [\(7\)\(b\)](#), the board shall, as appropriate, contract with a qualified individual or entity possessing expertise in the areas referred to in Subsection [\(7\)\(b\)](#) to develop and disseminate model teacher professional development programs that a local school board may use to train the individuals referred to in Subsection [\(7\)\(b\)](#) to effectively teach the values and qualities of character referenced in Subsection [\(7\)](#).
 - (e) In accordance with the provisions of Subsection [\(5\)\(c\)](#), professional development may not support or encourage criminal conduct.
- (8) A local school board shall review every two years:
- (a) local school board policies on instruction described in this section;
 - (b) for a local board of education of a school district, data for each county that the school district is located in, or, for a charter school governing board, data for the county in which the charter school is located, on the following:

- (i) teen pregnancy;
 - (ii) child sexual abuse; and
 - (iii) sexually transmitted diseases and sexually transmitted infections; and
- (c) the number of pornography complaints or other instances reported within the jurisdiction of the local school board.
- (9) If any one or more provision, subsection, sentence, clause, phrase, or word of this section, or the application thereof to any person or circumstance, is found to be unconstitutional, the balance of this section shall be given effect without the invalid provision, subsection, sentence, clause, phrase, or word.

Effective 5/8/2018

53G-10-403. Required parental consent for sex education instruction.

(1) As used in this section:

(a) "Parent" means the same as that term is defined in Section [53G-10-205](#).

(b) (i) "Sex education instruction" means any course material, unit, class, lesson, activity, or presentation that, as the focus of the discussion, provides instruction or information to a student about:

(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; or

(M) refusal skills, as defined in Section [53G-10-402](#).

(ii) "Sex education instruction" does not include child sexual abuse prevention instruction described in Section [53G-9-207](#).

(c) "School" means the same as that term is defined in Section [53G-10-205](#).

(2) A school shall obtain prior written consent from a student's parent before the school may provide sex education instruction to the student.

(3) If a student's parent chooses not to have the student participate in sex education instruction, a school shall:

(a) waive the requirement for the student to participate in the sex education instruction; or

(b) provide the student with a reasonable alternative to the sex education instruction requirement.

(4) In cooperation with the student's teacher or school, a parent shall take responsibility for the parent's student's sex education instruction if a school:

- (a) waives the student's sex education instruction requirement in Subsection [\(3\)\(a\)](#); or
 - (b) provides the student with a reasonable alternative to the sex education instruction requirement described in Subsection [\(3\)\(b\)](#).
- (5) 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 instruction as described in Subsection [\(3\)](#).

Age of Majority^v =

Based on Utah law, anyone under the age of 18 is considered a minor, while those 18 years old and older are considered adults.

Age of Consent^{vi} =

In Utah, the age when children can legally consent or agree to sex is 18.



V. PARENTAL RIGHTS AT RISK IN UTAH

Warning! Most CSE programs put parental rights at risk by either encouraging or requiring that parents not be notified and/or by instructing children how to access such things as abortion, contraception and other so-called health services **without parental notification or consent**.

It is particularly dangerous to encourage students in this way, particularly considering the fact the laws often support what is being taught in CSE programs. For example:

Without notifying or receiving consent from their parents, minor children in Utah may consent to and receive:

- Some contraceptive services
- All STI (sexually transmitted infection) services
- All prenatal care services
- All adoption services

In Utah, parental consent AND notice is required for: Abortion services



VI. NEWS HEADLINES FROM UTAH

March 1, 2018 - "Utah House OKs teaching refusal skills in sex ed curriculum"

<https://www.deseretnews.com/article/900011782/utah-house-oks-teaching-refusal-skills-in-sex-ed-curriculum.html>

June 14, 2018 - “Commentary: Utah students don’t need or want comprehensive sex education” <https://www.sltrib.com/opinion/commentary/2018/06/14/commentary-utah-students-dont-need-or-want-comprehensive-sex-education/>

July 29, 2017 - “A tale of two parties: why Utahns should join forces for sex education” <http://dailyutahchronicle.com/2017/07/29/tale-two-parties-lawmakers-join-forces-sex-education/>



VII. OPT-OUT FORM

By signing a parental non-consent form, also known as an opt-out form, parents can protect their children from being subjected to harmful CSE programs. Download and print the provided form and modify it as needed (see included instructions). Sign it and take it to your child’s school, and ask that it be put on file as part of your child’s permanent record and that all teachers and instructors be notified.

A sample opt-out form, provided by Liberty Counsel, along with instructions for use, can be found at: stopcse.org/utah



VIII. GET INVOLVED TO STOP CSE

You can get involved to stop CSE and protect the health and innocence of children across the U.S. and in countries around the world:

1. Sign the Stop CSE petition at stopcse.org/petition/
2. Watch the “War Against Children” documentary and share this link to the documentary with your friends and neighbors at stopcse.org/film/
3. Connect with others in your state who are working to Stop CSE in your schools to see how you can get involved. Go to stopcse.org/utah to connect.



IX. RESOURCES

- UTAH Statutes/Codes/Laws - <https://le.utah.gov/xcode/code.html>
- Utah Legislation - <https://le.utah.gov/>
- Legislation websites by state - <https://www.congress.gov/state-legislature-websites>
- U.S. Department of Health and Human Resource TPPP page - <https://www.hhs.gov/ash/oah/grant-programs/teen-pregnancy-prevention-program-tpp/current-grantees/index.html>
- U.S. Department of Health and Human Resource other state funding - <https://www.acf.hhs.gov/fysb/resource-library/search#?area%5B1981%5D=1981&type%5B5168%5D=5168&sort=recent&ajax=1>
- TPPP Funding - <https://www.hhs.gov/ash/oah/grant-programs/teen-pregnancy-prevention-program-tpp/about/index.html>
- Abstinence Education Grant Program Medical Accuracy Guide - https://www.acf.hhs.gov/sites/default/files/fysb/medical_accuracy_aegp.pdf

Additional Resources:

- DOCUMENTARY: *The War on Children: The Comprehensive Sexuality Education Agenda* (FWI Documentary) – <https://stopcse.org>
- STUDY: Re-Examining the Evidence: School-based Comprehensive Sex Education in the United States (IRE Study) – www.sexedreport.org
- REPORT: An Evidence-Based Response to a Critique of Abstinence Education (IRE Report) - https://www.comprehensivesexualityeducation.org/wp-content/uploads/IRE_Response_To_Santelli_Article_4-20-18.pdf



X. CONNECT WITH OTHERS

Let us put you in contact with other people and organizations who are actively involved in helping to protect the health and innocence of children.

Fill out the contact form on www.stopcse.org/utah or email us your name, city, state, school district, and any questions or concerns you may have and we will put you in contact with people from your state or one of our national representatives.

Email Address: StopCSE@familywatch.org

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ⁱ U.S. Department of Health and Human Services <https://www.acf.hhs.gov/fysb/resource-library/search#?area%5B1981%5D=1981&type%5B5168%5D=5168&sort=recent&ajax=1>

ⁱⁱ U.S. Department of Health and Human Services <https://www.acf.hhs.gov/fysb/resource-library/search#?area%5B1981%5D=1981&type%5B5168%5D=5168&sort=recent&ajax=1>

ⁱⁱⁱ <https://www.hhs.gov/ash/oah/grant-programs/teen-pregnancy-prevention-program-tpp/about/index.html>

^{iv} https://le.utah.gov/xcode/Title53E/53E.html?v=C53E_2018012420180124

^v <http://statelaws.findlaw.com/family-laws/legal-ages.html>

^{vi} <https://www.legalmatch.com/law-library/article/age-of-consent-by-state.html?intakeredesigned=1>