

HUMAN TRAFFICKING PREVENTION EDUCATION

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to instruction in human trafficking prevention.

Highlighted Provisions:

This bill:

► requires the State Board of Education to establish curriculum requirements that include instruction in human trafficking prevention.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-10-402, as last amended by Laws of Utah 2018, Chapter 224 and renumbered and amended by Laws of Utah 2018, Chapter 3

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53G-10-402** is amended to read:

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



- 28 (1) As used in this section:
- 29 (a) "Board" means the State Board of Education.
- 30 (b) "Local school board" means:
- 31 (i) a local board of education elected in accordance with Section 53G-4-201; or
- 32 (ii) a charter school governing board, as defined in Section 53G-5-102.
- 33 (c) "Parent" means a parent or legal guardian.
- 34 (d) "Refusal skills" means instruction:
- 35 (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or
- 36 adult;
- 37 (ii) in a student's obligation to stop the student's sexual advances if refused by another
- 38 individual;
- 39 (iii) informing a student of the student's right to report and seek counseling for
- 40 unwanted sexual advances;
- 41 (iv) in sexual harassment; and
- 42 (v) informing a student that a student may not consent to criminally prohibited
- 43 activities or activities for which the student is legally prohibited from giving consent, including
- 44 the electronic transmission of sexually explicit images by an individual of the individual or
- 45 another.
- 46 (2) (a) The board shall establish curriculum requirements under Section 53E-3-501 that
- 47 include instruction in:
- 48 (i) community and personal health;
- 49 (ii) physiology;
- 50 (iii) personal hygiene;
- 51 (iv) prevention of communicable disease;
- 52 (v) refusal skills; [~~and~~]
- 53 (vi) the harmful effects of pornography[:]; and
- 54 (vii) the prevention of human trafficking.
- 55 (b) (i) That instruction shall stress:
- 56 (A) the importance of abstinence from all sexual activity before marriage and fidelity
- 57 after marriage as methods for preventing certain communicable diseases; and
- 58 (B) personal skills that encourage individual choice of abstinence and fidelity.

59 (ii) (A) At no time may instruction be provided, including responses to spontaneous
60 questions raised by students, regarding any means or methods that facilitate or encourage the
61 violation of any state or federal criminal law by a minor or an adult.

62 (B) Subsection (2)(b)(ii)(A) does not preclude an instructor from responding to a
63 spontaneous question as long as the response is consistent with the provisions of this section.

64 (c) (i) The board shall recommend instructional materials for use in the curricula
65 required under Subsection (2)(a) after considering evaluations of instructional materials by the
66 State Instructional Materials Commission.

67 (ii) A local school board may choose to adopt:

68 (A) the instructional materials recommended under Subsection (2)(c)(i); or

69 (B) other instructional materials as provided in board rule.

70 (iii) The board rule made under Subsection (2)(c)(ii)(B) shall include, at a minimum:

71 (A) that the materials adopted by a local school board under Subsection (2)(c)(ii)(B)
72 shall be based upon recommendations of the school district's or charter school's Curriculum
73 Materials Review Committee that comply with state law and board rules emphasizing
74 abstinence before marriage and fidelity after marriage, and prohibiting instruction in:

75 (I) the intricacies of intercourse, sexual stimulation, or erotic behavior;

76 (II) the advocacy of premarital or extramarital sexual activity; or

77 (III) the advocacy or encouragement of the use of contraceptive methods or devices;

78 (B) that the adoption of instructional materials shall take place in an open and regular
79 meeting of the local school board for which prior notice is given to parents of students
80 attending the respective schools and an opportunity for parents to express their views and
81 opinions on the materials at the meeting;

82 (C) provision for an appeal and review process of the local school board's decision; and

83 (D) provision for a report by the local school board to the board of the action taken and
84 the materials adopted by the local school board under Subsections (2)(c)(ii)(B) and (2)(c)(iii).

85 (3) (a) A student shall receive instruction in the courses described in Subsection (2) on
86 at least two occasions during the period that begins with the beginning of grade 8 and the end
87 of grade 12.

88 (b) At the request of the board, the Department of Health shall cooperate with the
89 board in developing programs to provide instruction in those areas.

90 (4) (a) The board shall adopt rules that:

91 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323
92 are complied with; and

93 (ii) require a student's parent to be notified in advance and have an opportunity to
94 review the information for which parental consent is required under Sections 76-7-322 and
95 76-7-323.

96 (b) The board shall also provide procedures for disciplinary action for violation of
97 Section 76-7-322 or 76-7-323.

98 (5) (a) In keeping with the requirements of Section 53G-10-204, and because school
99 employees and volunteers serve as examples to their students, school employees or volunteers
100 acting in their official capacities may not support or encourage criminal conduct by students,
101 teachers, or volunteers.

102 (b) To ensure the effective performance of school personnel, the limitations described
103 in Subsection (5)(a) also apply to a school employee or volunteer acting outside of the school
104 employee's or volunteer's official capacities if:

105 (i) the employee or volunteer knew or should have known that the employee's or
106 volunteer's action could result in a material and substantial interference or disruption in the
107 normal activities of the school; and

108 (ii) that action does result in a material and substantial interference or disruption in the
109 normal activities of the school.

110 (c) The board or a local school board may not allow training of school employees or
111 volunteers that supports or encourages criminal conduct.

112 (d) The board shall adopt rules implementing this section.

113 (e) Nothing in this section limits the ability or authority of the board or a local school
114 board to enact and enforce rules or take actions that are otherwise lawful, regarding educators',
115 employees', or volunteers' qualifications or behavior evidencing unfitness for duty.

116 (6) Except as provided in Section 53G-10-202, political, atheistic, sectarian, religious,
117 or denominational doctrine may not be taught in the public schools.

118 (7) (a) A local school board and a local school board's employees shall cooperate and
119 share responsibility in carrying out the purposes of this chapter.

120 (b) A local school board shall provide appropriate professional development for the

121 local school board's teachers, counselors, and school administrators to enable them to
122 understand, protect, and properly instruct students in the values and character traits referred to
123 in this section and Sections 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204,
124 and 53G-10-205, and distribute appropriate written materials on the values, character traits, and
125 conduct to each individual receiving the professional development.

126 (c) A local school board shall make the written materials described in Subsection (7)(b)
127 available to classified employees, students, and parents of students.

128 (d) In order to assist a local school board in providing the professional development
129 required under Subsection (7)(b), the board shall, as appropriate, contract with a qualified
130 individual or entity possessing expertise in the areas referred to in Subsection (7)(b) to develop
131 and disseminate model teacher professional development programs that a local school board
132 may use to train the individuals referred to in Subsection (7)(b) to effectively teach the values
133 and qualities of character referenced in ~~Subsection (7)~~ **[this]** Subsection (7).

134 (e) In accordance with the provisions of Subsection (5)(c), professional development
135 may not support or encourage criminal conduct.

136 (8) A local school board shall review every two years:

137 (a) local school board policies on instruction described in this section;

138 (b) for a local board of education of a school district, data for each county that the
139 school district is located in, or, for a charter school governing board, data for the county in
140 which the charter school is located, on the following:

141 (i) teen pregnancy;

142 (ii) child sexual abuse; and

143 (iii) sexually transmitted diseases and sexually transmitted infections; and

144 (c) the number of pornography complaints or other instances reported within the
145 jurisdiction of the local school board.

146 (9) If any one or more provision, subsection, sentence, clause, phrase, or word of this
147 section, or the application thereof to any person or circumstance, is found to be
148 unconstitutional, the balance of this section shall be given effect without the invalid provision,
149 subsection, sentence, clause, phrase, or word.