



## UTAH

*Utah received \$888,156 in federal funds for abstinence-only-until-marriage programs in Fiscal Year 2006.<sup>1</sup>*

### Utah Sexuality Education Law and Policy

Utah state code mandates that the State Board of Education establish curriculum requirements in grades eight through twelve for the prevention of communicable diseases. This instruction must stress “the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases; and personal skills that encourage individual choice of abstinence and fidelity.”

Among other limitations on what can be taught, the code states that:

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 adult.

Utah state code further requires that materials used for instruction in health do not include “the advocacy of homosexuality; the advocacy or encouragement of the use of contraceptive methods or devices; or the advocacy of sexual activity outside of marriage.”

Utah state code requires that each newly hired or newly assigned educator who teaches or who will be teaching any part of a sexuality education class must attend a state-sponsored course offered annually that outlines the state designed curriculum and Utah Code regarding the teaching of human sexuality.

The Utah *Health Education Core*, a suggested curriculum framework produced by the Utah State Office of Education, provides greater detail regarding grade level and topics to be included. The *Health Education Core* states that in grades three through twelve, students should receive disease prevention and HIV/AIDS education. Beginning in grade seven, students should receive instruction that abstinence is the best way to prevent unintended pregnancy and sexually transmitted infections. Also, an annual presentation about adoption is given to students in grades seven through twelve.

Schools are not required to follow this framework. However, the Utah State Code requires that local school districts have a curriculum materials review committee. This Committee must make sure that all instructional material complies:

[W]ith state law and state board rules emphasizing abstinence before marriage and fidelity after marriage, and prohibiting instruction in:

- The intricacies of intercourse, sexual stimulation, or erotic behavior;
- The advocacy of homosexuality;
- The advocacy or encouragement of the use of contraceptive methods or devices; or

- The advocacy of sexual activity outside of marriage.

Curricula must be adopted after “an open and regular” school board meeting in which parents and guardians have an opportunity to testify about the curricula.

Parents or guardians must give written permission in order for a student to participate in any form of sexuality education. This is referred to as an “opt-in” policy.

See Utah State Code 53A-13-101, Utah Administrative Rule R277-474, and the *Health Education Core*.

### **Recent Legislation**

*Legislation Restricts Existence of Clubs Related to “Human Sexuality” on School Grounds*

House Bill 236, introduced in January of 2007, allows schools to limit or deny authorization or school building use to a club if the club involves “human sexuality.” The bill defines clubs that “involve human sexuality” as “presenting information in violation of laws governing sex-education, advocating or engaging in sexual activity outside of legally recognized marriages or forbidden by state law, or presenting or discussing information relating to the use of contraceptive devices or substances, regardless of whether the use is for purposes of contraception or personal health.” The bill passed in both the House and the Senate and was signed into law by Governor Jon Huntsman, Jr., on March 9, 2007.

### **Events of Note**

*Parent and Conservative Group Attack School for Articles on GSA, STDs*

*May 2006; Highland, UT*

A parent of a student at Lone Peak High School is challenging the publication of articles written about sexuality issues in the school’s newspaper, stating that the school violated the law. The parent heads the conservative Standard of Liberty Foundation.

In November 2005, in response to the formation of a Gay-Straight Alliance at the high school, the newspaper published two student-written articles, one in support of the club and one against it. The article criticizing the GSA was written by the foundation head’s daughter. In May, the student who wrote in favor of the GSA penned a second article in support of the human papilloma virus vaccine for the paper.

The foundation contacted the state attorney general and education chief with concerns that the articles fell outside of the state law requiring schools to emphasize abstinence and prohibiting them from promoting homosexuality. Furthermore, it claims that the school violated the Family Educational Rights and Privacy Act (FERPA), which “forbids schools from allowing any activity which results in students revealing information concerning their sexual behavior, orientation, or attitudes.”<sup>2</sup>

Other legal experts explained that FERPA restricts school employees and agents, not students. “This parent has apparently confused the legal limitations on what school officials can do and the legal rights of student journalists to discuss issues of their choosing,” explained the executive director of the Student Press Law Center.<sup>3</sup>

The Director of School Law and Legislation with the Utah Office of Education believes that the school followed the law and does not plan to investigate the accusations further.<sup>4</sup>

### Utah's Youth: Statistical Information of Note

- In 2005, 84% of high school students in Utah reported having been taught about AIDS/HIV in school compared to 88% of high school students nationwide.<sup>5</sup>
- In 2003, Utah's Chlamydia infection rate was 1,016 per 100,000 women ages 15–19 and was 189 per 100,000 men ages 15–19.<sup>6</sup>
- In 2000, Utah's abortion rate was 6 per 1,000 women ages 15–19 compared to a teen abortion rate of 24 per 1,000 nationwide.<sup>7</sup>
- In 2003, women ages 15–19 accounted for 16% of the 3,338 total abortions performed in Utah.<sup>8</sup>
- In 2004, Utah's birth rate was 34 per 1,000 women ages 15–19 compared to a teen birth rate of 41 per 1,000 nationwide.<sup>9</sup>

### Title V Abstinence-Only-Until-Marriage Funding

Utah received \$288,156 in federal Title V funding in Fiscal Year 2006. The Title V abstinence-only-until-marriage grant requires states to provide three state-raised dollars or the equivalent in services for every four federal dollars received. The state match may be provided in part or in full by local groups. Utah matches the federal funding with \$227,540 in state funds. The Utah Department of Health oversees this funding and provides grants ranging from \$10,000 to \$69,536 to eight sub-grantees: Bear River Health Department; Colors of Success; Community Building Community Initiative of Midvale City; University of Utah, School of Social Work; Pregnancy Resource Center of Salt Lake; Tooele County Health Department; Wasatch City-County Health Department; and Worldwide Organization of Women. An advisory council consisting of staff from the Utah Department of Health and sub-grantee organizations provides guidance on the programs. Utah's sub-grantees are required to perform a self-evaluation of their programs.

Utah's Title V abstinence-only-until-marriage program targets males and females ages 9–14 and parents with a message of abstinence from a variety of risky behaviors. Several of the sub-grantees work with youth who are in the juvenile justice system. Sub-grantees use three main curricula: *Sex Can Wait*, *SMART Moves*, and *FACTS*. One sub-grantee, a school district focusing on more rural areas, uses *Baby Think It Over*, a program that simulates teen parenting using computerized dolls.

SIECUS reviewed the *FACTS: Family Accountability Communicating Teen Sexuality* curricula and found that they provide incomplete and inaccurate medical information; present opinions and beliefs as universal truths; and portray a biased view of gender, marriage, family structure, sexual orientation, and pregnancy options. For example, *FACTS* includes the following list of negative consequences of premarital sex:

Pregnancy, financial aspect of fatherhood, abortion, HIV/AIDS, STDs, guilt, rejection, loss of reputation, inability to bond in the future, challenge to not compare future sexual partners, alienation from friends and family, poverty, and the inability to complete school.

*FACTS* also tells young people in no uncertain terms that life begins when sperm and egg meet: “At conception, the baby came into being. Even though he or she was only the size and appearance of a pencil dot, the baby was a separate, genetically unique individual.”<sup>10</sup>

The Tooele County Health Department’s Youth Abstinence Education Project (YAEP) sponsored a “Teen Idol” singing competition in May of 2006 to raise awareness during National Teen Pregnancy Prevention Month.<sup>11</sup>

The Worldwide Organization for Women is committed to “...bring all women to the understanding of their divine worth and influence upon society. Furthermore, we seek to strengthen, support, and unite women and men of faith in order to create a peaceful, moral, and loving environment that values the sanctity of human life, and preserves the natural family.”<sup>12</sup>

The Pregnancy Resource Center of Salt Lake is a crisis pregnancy center that provides adoption referrals, pregnancy counseling services, and post-abortion counseling services. Crisis pregnancy centers typically advertise as providing medical services and then use anti-choice propaganda, misinformation, and fear and shame tactics to dissuade women facing unintended pregnancy from exercising their right to choose. The Center provides an abstinence-only-until-marriage program entitled “Sexual Education for Abstinent Lifestyles (SEAL),” as well as a multimedia presentation and website, [www.noplacefordoubt.org](http://www.noplacefordoubt.org). The “No Place for Doubt” presentation covers sexual health and includes a slide show on STDs produced by the Medical Institute (formerly the Medical Institute for Sexual Health) that includes “graphic photos and discussion of the major STDs.”<sup>13</sup>

**Community-Based Abstinence Education (CBAE) and Adolescent Family Life Act (AFLA) Grantees**

There is one CBAE grantee in Utah: Weber-Morgan Health Department. There are no AFLA grantees in Utah.

According to its website, the Weber-Morgan Health Department “offers educational programs such as school-based tobacco prevention and cessation, violence prevention, bicycle helmet and playground safety as well as a multitude of services such as health screenings and immunizations.”<sup>14</sup> The Health Department’s new abstinence-only-until-marriage program will target students in central Ogden in grades six through twelve. The director explained, “We’re going after abstinence because that’s where the money is... We will continue to offer family planning at the health department. We see this as just another strategy.”<sup>15</sup>

**Federal and State Funding for Abstinence-Only-Until-Marriage Programs in FY 2006**

Abstinence-Only-Until-Marriage Grantee  Length of Grant	Amount of Grant	Type of Grant (includes Title V, CBAE, AFLA, and other funds)
Utah Department of Health  <a href="http://health.utah.gov">http://health.utah.gov</a>	\$288,156 federal \$227,540 state	Title V

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<b>Abstinence-Only-Until-Marriage Grantee</b>  <b>Length of Grant</b>	<b>Amount of Grant</b>	<b>Type of Grant (includes Title V, CBAE, AFLA, and other funds)</b>
Bear River Health Department  <a href="http://www.brhd.org">www.brhd.org</a>	\$50,000	Title V sub-grantee
Colors of Success  <a href="http://www.colorsofsuccess.com">www.colorsofsuccess.com</a>	\$14,800	Title V sub-grantee
Community Building Community Initiative of Midvale City  <a href="http://www.midvalecity.org/cbc.main.html">www.midvalecity.org/cbc.main.html</a>	\$14,800	Title V sub-grantee
University of Utah, School of Social Work  <a href="http://www.socwk.utah.edu">www.socwk.utah.edu</a>	\$70,000	Title V sub-grantee
Pregnancy Resource Center of Salt Lake  <a href="http://pregnancyresource.net/index.html">http://pregnancyresource.net/index.html</a>	\$47,000	Title V sub-grantee
Tooele County Health Department  <a href="http://www.tooelehealth.org">www.tooelehealth.org</a>	\$69,536	Title V sub-grantee
Wasatch City-County Health Department  <a href="http://health.utah.gov/lhd/html/wasatch_city-county_health_dep.html">http://health.utah.gov/lhd/html/wasatch_city-county_health_dep.html</a>	\$12,000	Title V sub-grantee
Worldwide Organization of Women  <a href="http://www.wowinfo.org">www.wowinfo.org</a>	\$10,000	Title V sub-grantee

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<b>Abstinence-Only-Until-Marriage Grantee</b>  <b>Length of Grant</b>	<b>Amount of Grant</b>	<b>Type of Grant (includes Title V, CBAE, AFLA, and other funds)</b>
Weber-Morgan Health Department  2006–2011  <a href="http://www1.co.weber.ut.us/health">www1.co.weber.ut.us/health</a>	\$600,000	CBAE

**Title V Abstinence-Only-Until-Marriage Coordinator**

Jennifer Mayfield  
 Adolescent Health Coordinator  
 Child, Adolescent and School Health Program  
 Utah Department of Health  
 P.O. Box 142001  
 Salt Lake City, UT 84114  
 Phone: (801) 538-9317

**Utah Organizations that Support Comprehensive Sexuality Education**

ACLU of Utah  
 355 North 300 W  
 Salt Lake City, UT 84103  
 Phone: (801) 521-9862  
[www.acluutah.org](http://www.acluutah.org)

Planned Parenthood Action Council  
 551 East South Temple  
 Salt Lake City, UT 84102  
 Phone: (801) 328-8939  
[www.ppacutah.org](http://www.ppacutah.org)

Planned Parenthood Association of Utah  
 654 South 900 E  
 Salt Lake City, UT 84102  
 Phone: (801) 533-2759  
[www.plannedparenthood.org/utah/](http://www.plannedparenthood.org/utah/)

Utah National Organization for Women  
 P.O. Box 57476  
 Salt Lake City, UT 84157  
 Phone: (801) 268-0363  
[www.utahnow.org](http://www.utahnow.org)

Utah Progressive Network  
 P.O. Box 521391  
 Salt Lake City, UT 84152  
 Phone: (801) 466-0955  
[www.upnet.org](http://www.upnet.org)

**Utah Organizations that Oppose Comprehensive Sexuality Education**

Right to Life of Utah  
2390 West 450 S, #8  
Springville, UT 84663  
Phone: (801) 491-9742

Sutherland Institute  
Gateway Tower West, Suite 1600  
15 West South Temple St.  
Salt Lake City, UT 84101  
Phone: (801) 355-1272  
[www.sutherlandinstitute.org](http://www.sutherlandinstitute.org)

Utah Eagle Forum  
2486 West Winding Way  
South Jordan, UT 84095  
[www.utaheagleforum.org](http://www.utaheagleforum.org)

**Newspapers in Utah**

*Daily Herald*  
Elyssa Andrus  
Community News Editor  
1555 N. Freedom Blvd.  
Provo, UT 84604  
Phone: (801) 344-2553

*Daily Spectrum*  
Ed Kociela  
Local News Editor  
275 E. Saint George Blvd.  
Saint George, UT 84770  
Phone: (435) 674-6237 ext. 237

*Davis County Clipper*  
Education Editor  
1370 S. 500 W  
Bountiful, UT 84010  
Phone: (801) 295-2251

*Deseret Morning News*  
Jennifer Toomer-Cook  
Education Staff Writer  
30 E. 100 S  
Salt Lake City, UT 84111  
Phone: (801)237-2167

*Herald Journal*  
Emily Wheeler  
Education Writer  
75 W. 300 N  
Logan, UT 84321  
Phone: (435) 752-2121 ext. 339

*Salt Lake City Weekly*  
Education Editor  
248 S. Main St.  
Salt Lake City, UT 84101  
Phone: (801) 575-7003

*Salt Lake Tribune*  
Celia Baker  
Education Reporter  
90 S. 400 W  
Salt Lake City, UT 84101  
Phone: (801) 257-8693

*Salt Lake Tribune*  
Ronnie Lynn  
Health & Medicine Reporter  
90 S. 400 W  
Salt Lake City, UT 84101  
Phone: (801) 257-8722

*Salt Lake Tribune*  
Sheila McCann  
Social Issues Editor  
90 S. 400 W  
Salt Lake City, UT 84101  
Phone: (801) 257-8742

*Standard-Examiner*  
David Troester  
Education Editor  
332 Standard Way  
Ogden, UT 84404  
Phone: (801) 625-4223

*Standard-Examiner*  
Vanessa Zimmer  
Health & Medicine Editor  
332 Standard Way  
Ogden, UT 84404  
Phone: (801) 625-4270

*The Valley Journals*  
Education Editor  
1277 W. 12600 S  
Riverton, UT 84065  
Phone: (801) 254-5974

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<sup>1</sup> This refers to the fiscal year for the federal government which begins on October 1 and ends on September 30. The fiscal year is designated by the calendar year in which it ends; for example, Fiscal Year 2006 begins on October 1, 2005 and ends on September 30, 2006.

<sup>2</sup> Jim Brown, "Utah AG, Education Dept. Asked to Investigate School's Alleged Violation of Laws" *Agape Press*, 6 June 2006, accessed 7 June 2006, <<http://headlines.agapepress.org/archive/6/62006e.asp>>.

<sup>3</sup> Evan Mayor, "Parents Say School Broke Education Laws by Allowing Articles in Paper," *Student Press Law Center*, 26 May 2006, accessed 3 January 2007, <[http://www.splc.org/newsflash\\_archives.asp?id=1264&year=2006](http://www.splc.org/newsflash_archives.asp?id=1264&year=2006)>.

<sup>4</sup> Ibid.

<sup>5</sup> Danice K. Eaton, et al., "Youth Risk Behavior Surveillance—United States, 2005," *Surveillance Summaries, Morbidity and Mortality Weekly Report*, vol. 55, no. SS-5 (9 June 2006): 1-108, accessed 26 January 2007, <<http://www.cdc.gov/HealthyYouth/yrbs/index.htm>>.

<sup>6</sup> *Data and Confidence Limits for Chlamydia Cases per 100,000 Persons by Age and Sex, Utah 2003* (Salt Lake City, UT: Utah Department of Health, 24 November 2004), accessed 26 February 2006, <[http://ibis.health.utah.gov/view?xslt=indicator/view\\_numbers.xslt&xml=indicator/ChlamCas.AgeSex.xml](http://ibis.health.utah.gov/view?xslt=indicator/view_numbers.xslt&xml=indicator/ChlamCas.AgeSex.xml)>.

<sup>7</sup> U.S. *Teenage Pregnancy Statistics: Overall Trends, Trends by Race and Ethnicity and State-by-State Information* (New York: The Guttmacher Institute, February 2004), accessed 26 January 2007, <<http://www.guttmacher.org/pubs/2006/09/12/USTPstats.pdf>>.

<sup>8</sup> Jeffrey Duncan, et al., *Utah's Vital Statistics, Abortions 2002 and 2003* (Salt Lake City, UT: Utah Department of Health, Center for Health Data, December 2004), R-21, accessed 26 January 2007, <<http://health.utah.gov/vitalrecords/>>.

<sup>9</sup> *National Vital Statistics Reports 55.01* (Hyattsville, MD: National Center for Health Statistics, 2006), 10, accessed 26 January 2006, <[http://www.cdc.gov/nchs/data/nvsr/nvsr55/nvsr55\\_01.pdf](http://www.cdc.gov/nchs/data/nvsr/nvsr55/nvsr55_01.pdf)>.

<sup>10</sup> Rose Fuller et al., *FACTS and Reason* (Portland, OR: Northwest Family Services, 2000); Rose Fuller, et al., *I'm in Charge of the FACTS* (Portland, OR: Northwest Family Services, 2000). For more information, see SIECUS' review of *FACTS* at <[http://www.communityactionkit.org/curricula\\_reviews.html](http://www.communityactionkit.org/curricula_reviews.html)>.

<sup>11</sup> *Teen Pregnancy Prevention Activities*, accessed 4 February 2007, <[http://www.tooelehealth.org/Community\\_Health/Teen\\_Pregnancy/Teen\\_Pregnancy\\_Prevention\\_Highlighted%20Activities.html](http://www.tooelehealth.org/Community_Health/Teen_Pregnancy/Teen_Pregnancy_Prevention_Highlighted%20Activities.html)>.

<sup>12</sup> Worldwide Organization for Women, (2007), accessed 4 February 2007, <<http://www.wowinfo.org/>>.

<sup>13</sup> "Teacher Talk," No Place For Doubt, (2007), accessed 1 February 2007, <<http://www.noplacfordoubt.org/teachers/>>.

<sup>14</sup> "Welcome to the Weber-Morgan Health Department," Weber-Morgan Health Department, (2007), accessed 25 January 2007, <<http://www1.co.weber.ut.us/health/>>.

<sup>15</sup> "Weber County To Teach Abstinence-Only Classes," *KSL News*, 9 October 2006, accessed 25 January 2007, <<http://www.ksl.com/?nid=148&sid=552938>>.