



Utah

Utah received \$280,176 in federal funding for abstinence-only-until-marriage programs in Fiscal Year 2003.¹

Utah Sexuality Education Law

Utah State Code mandates that the State Board of Education establish curriculum requirements in 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.”

The Code further requires 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.”

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 “with state law and state 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 homosexuality;
- III. the advocacy or encouragement of the use of contraceptive methods or devices; or
- IV. 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. Any teacher or educator who is newly hired or assigned with any responsibility for the teaching of any sexuality, HIV/AIDS, STD, or teen pregnancy prevention must attend a state-sponsored conference outlining the curriculum requirements.

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 and Utah Administrative Rule R277-474.

¹ 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 2003 begins on October 1, 2002 and ends on September 30, 2003.

Recent Legislation

The Utah legislature does not carry bills over from one session to the next. Related 2003 and 2004 bills are listed. Utah's legislative session ended on March 3, 2004.

Civic and Character Education Bill Signed by Governor, 2004 Session

House Bill 22, signed by Governor Olene Walker (R) on March 19, 2004, requires that "character and civic education" be integrated and taught in connection with regular school curricula. Under the new law, the Utah State Board of Education must establish curriculum requirements with instruction in community and personal health, physiology, personal hygiene, and the prevention of communicable disease. 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."

Events of Note

Utah Court Rules in Favor of Teacher

April 2003; Spanish Fork, UT

In early April 2003, the Utah Supreme Court ruled in favor of a teacher at Spanish Fork High School who had come under fire due to her sexual orientation. A group calling themselves "Citizens of the Nebo School District for Moral and Legal Values" filed a lawsuit to have the teacher's credentials revoked. They argued that Utah state law requires teachers to be good role models for their students and that the teacher failed to fulfill that requirement because her private sexual activity conflicted with state laws prohibiting sodomy.

The teacher had been under attack ever since she first disclosed her sexual orientation in 1997 after being asked by students. Shortly afterwards, the school ended her volleyball coaching position and threatened her with dismissal. In addition, school administrators instructed her not to discuss her sexuality with anyone in the school community, including students, parents, and staff. In response, the teacher filed a federal lawsuit against the Nebo School District for violating her First Amendment rights, and won.

Still, a number of parents and students continued their efforts to have her fired by taking their case to the local school board and the Utah's Fourth District Court. Both dismissed the case. Finally, they took their case to the Utah Supreme Court.

The state Supreme Court ruled in favor of the teacher saying her opponents "lack a legally protectible (sic) interest in this controversy."² Any complaints against teachers, the court ruled, "must be taken before the only bodies authorized to act in this regard: the local school district, the Commission, or the State Board of Education."³

In response to her critics, the teacher said, "What they were going after was not really within their right as citizens to do. I also believe that they're scared to have their kids see someone who is gay but who functions and is happy and the like. That doesn't go with their perception that gay people are evil or unhealthy."⁴

Despite the legal battles, the teacher continues to teach classes in the district; however, she was never able to regain her coaching position.

² "Utah Court Rules In Favor of Lesbian Teacher," *CNN Student News*, April 5, 2003.

³ Ibid.

⁴ Ibid.

Utah's Youth: Statistical Information of Note

- In 2003, 87% of high school students in Utah reported having been taught about AIDS/HIV in school compared to 89% of high school students nationwide.⁵
- 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.⁶
- In 2001, Utah's birth rate was 38 per 1,000 women ages 15-19 compared to a teen birth rate of 45 per 1,000 nationwide.⁷

Title V Abstinence-Only-Until-Marriage Funding

Utah received \$280,176 in federal Title V funding in Fiscal Year 2003. 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 can be provided in part or in full by local groups. Utah matches the federal funding with \$237,713 in state funds. The Utah Department of Health oversees this funding and provides grants ranging from \$5,000 to \$83,406 to 10 organizations. None of the grantees is a faith-based organization. An advisory council consisting of staff from the Utah Department of Health and sub-grantee organizations provides guidance on the programs.

Utah's Title V abstinence-only-until-marriage program targets males and females ages nine to 14 and parents with a message of abstinence from a variety of risky behaviors. 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 the *Baby Think It Over* curriculum, a program that simulates teen parenting using computerized dolls. Other grants were given to after-school, mentoring, and community service organizations.

Utah is running an evaluation which is measuring teenage pregnancy and STD rates, attitudes about abstinence, and out-of-wedlock births.

Special Projects of Regional and National Significance—Community Based Abstinence Education (SPRANS—CBAE) and Adolescent Family Life Act (AFLA) Grantees

There are currently no SPRANS—CBAE or AFLA grantees in Utah, but the Boys and Girls Club of Murray/Midvale and Coalition received a SPRANS—CBAE planning grant in 2001.

⁵ J. Grunbaum, et. al., "Youth Risk Behavior Surveillance — United States, 2003," *Surveillance Summaries, Morbidity and Mortality Weekly Report*, vol. 53, no.SS-2, May 21, 2004, pp. 1-95. Available online at: <http://www.cdc.gov/nccdphp/dash/yrbs/>.

⁶ *U.S. Teenage Pregnancy Statistics: Overall Trends, Trends by Race and Ethnicity and State-by-State Information*, (New York: Alan Guttmacher Institute, February, 2004). Available online at www.guttmacher.org.

⁷ A. Papillo, et.al., *Facts at a Glance*, (Washington, DC: Child Trends, February, 2004).

Federal and State Funding for Abstinence-Only-Until-Marriage Programs in FY 2003

Abstinence-Only-Until-Marriage Grantee Length of Grant	Amount of Grant	Type of Grant (includes SPRANS-CBAE, Title V, and AFLA)
Utah Department of Health http://health.utah.gov/rhp/abstinence/index.htm	\$280,176 federal/ \$237,713 state	Title V

Past Federal Funding for Abstinence-Only-Until-Marriage Programs

Abstinence-Only-Until- Marriage Grantee Length of Grant	Amount of Grant Money	Type of Grant (includes SPRANS-CBAE, AFLA, and Title V)
Boys and Girls Club of Murray/Midvale and Coalition 2001-2002 www.bgcsv.org	\$84,238	SPRANS-CBAE (Planning Grant)

Title V Abstinence-Only-Until-Marriage Coordinator

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Utah Organizations that Support Comprehensive Sexuality Education

ACLU of Utah
355 N. 300 West, #1
Salt Lake City, UT 84103
Phone: (801) 521-9862
www.acluutah.org

Utahans for Choice
21 North G St.
Salt Lake City, UT 84103
Phone: (801) 328-8939

U T A H

Utah NARAL
3027 S. 700 East
Salt Lake City, UT 84106
Phone: (801) 466-3658

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

Utah Organizations that Oppose Comprehensive Sexuality Education

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

Sutherland Institute
Independence Square
111 E. 5600 South, Suite 202
Salt Lake City, Utah 84107
Phone: (801) 281- 2081
www.sutherlandinstitute.org

Newspapers in Utah

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

The Daily Spectrum
Jane Zhang
Medical/Health Reporter
275 E. Saint George Blvd.
Saint George, UT 84770
Phone: (435) 674-6254

Desert Morning News
Dennis Romboy
Community News Senior Writer
30 E. 100 S.
Salt Lake City, UT 84111
Phone: (801) 237-2198

The Herald Journal
Cindy Yurth
Medical/Health Editor
75 W. 300 N.
Logan, UT 84321
Phone: (435) 752-2121

The Salt Lake Tribune
David Noyce
Community News Editor
143 S. Main St.
Salt Lake City, UT 84111
Phone: (801) 257-8747

Standard-Examiner
April Handley
Community News Editor
332 Standard Way
Ogden, UT 84404
Phone: (801) 629-5230