



UTAH

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Utah Sexuality Education Law

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

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 (Sexually Transmitted disease), or teen pregnancy prevention must attend a state-sponsored conference outlining the curriculum requirements.

Parents or guardians must be given 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.

Recent Legislation

Bill Would Change Health Instruction to Include Education on Prevention of HIV/AIDS
Introduced in January 2005 and currently in the House Committee on Rules, House Bill 72 would modify the state Board of Education’s health education curricula requirements to include information on the prevention of HIV/AIDS.

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. In February 2004, the teacher was one of several people profiled in a play about the quest for justice that was created and performed at a school in Indianapolis, Indianapolis. The teacher attended the play and met with students to discuss her experience.

Utah’s Youth: Statistical Information of Note

- In 2003, 87% of high school students in Utah reported having been taught about HIV/AIDS in school compared to 89% of high school students nationwide.⁵
- In 2003, Utah’s Chlamydia infection rate was 1,016 per 100,000 women ages 15-19⁶ and was 189 per 100,000 men ages 15-19.⁷
- 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.⁸
- In 2003, women ages 15-19 accounted for 16% of the 3,338 total abortions performed in Utah.⁹

- In 2002, Utah’s birth rate was 37 per 1,000 women ages 15-19 compared to a teen birth rate of 43 per 1,000 nationwide.¹⁰

Title V Abstinence-Only-Until-Marriage Funding

Utah received \$294,318 in federal Title V funding in Fiscal Year 2004. 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 eight organizations. 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 9 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 *Baby Think It Over*, a program that simulates teen parenting using computerized dolls. Other grants were given to after-school, mentoring, and community service organizations.

SIECUS reviewed the *FACTS* curricula and found that in order to convince students to remain abstinent until marriage, 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 as the 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.”¹¹ *FACTS* also includes the following as an emotional consequence of sex: “you know people talk about you behind your back because you’ve had sex with so many people. It so empty too (sic). Finally you get sick of it all and attempt suicide.”¹²

The Pregnancy Resource Center of Salt Lake is primarily a crisis pregnancy center that provides adoption referrals, pregnancy counseling services, and post-abortion counseling services. *Sexual Education for Abstinent Lifestyles (SEAL)* is the Center’s abstinence-only-until-marriage program. A multimedia presentation and website, www.noplacfordoubt.org, is also provided. The *No Place for Doubt* presentation covers sexual health and includes a slide show on STDs produced by the Medical Institute for Sexual Health that includes “graphic photos and discussion of the major STDs.”¹³

Utah is conducting an evaluation of its Title V program 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)¹⁴ and Adolescent Family Life Act (AFLA) Grantees

There are no SPRANS–CBAE or AFLA grantees in Utah.

Federal and State Funding for Abstinence-Only-Until-Marriage Programs in FY 2004

Abstinence-Only-Until-Marriage Grantee	Amount of Grant	Type of Grant (Includes SPRANS-CBAE, Title V, and AFLA)
Length of Grant		
Utah Department of Health http://health.utah.gov/	\$294,318 federal \$237,713 state	Title V
Bear River Health Department		Title V sub-grantee
Boys and Girls Club of South Valley		Title V sub-grantee
Four Corners Community Behavioral Health, Inc.		Title V sub-grantee
Planned Parenthood Association of Utah		Title V sub-grantee
Pregnancy Resource Center of Salt Lake		Title V sub-grantee
Tooele County Health Department		Title V sub-grantee
Wasatch City-County Health Department		Title V sub-grantee
Worldwide Organization of Women		Title V sub-grantee

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

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

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

Utah Progressive Network
PO 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
150 East Social Hall Ave., Suite 650
Salt Lake City, UT 84111
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

Deseret Morning News
Jennifer Toomer-Cook
Education Staff Writer
PO Box 1257
Salt Lake City, UT 84110
(801)237-2167

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

The Salt Lake Tribune
Sheila McCann
Social Issues Editor
PO Box 867
Salt Lake City, UT 84110
Phone: (801) 257-8742

Standard-Examiner
Vanessa Zimmer
Health & Medicine Editor
PO Box 12790
Ogden, UT 84412
Phone: (801) 625-4270

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 2004 begins on October 1, 2003 and ends on September 30, 2004.

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

³ Ibid

⁴ Ibid.

⁵ Jo Anne Grunbaum, et. al., “Youth Risk Behavior Surveillance—United States, 2003,” *Surveillance Summaries, Morbidity and Mortality Weekly Report* 53.SS-2 (21 May 2004): 1-95, accessed 28 January 2005, <<http://www.cdc.gov/nccdphp/dash/yrbs/>>.

⁶ *Data and Confidence Limits for Chlamydia Cases per 100,000 Persons by Age and Sex, Utah 2003*, Utah Department of Health (24 November 2004), accessed 7 February 2005, <http://ibis.health.utah.gov/view?xslt=indicator/view_numbers.xslt&xml=indicator/ChlamCas.AgeSex.xml>.

⁷ Ibid.

⁸ *U.S. Teenage Pregnancy Statistics: Overall Trends, Trends by Race and Ethnicity and State-by-State Information* (New York: Alan Guttmacher Institute, February, 2004), accessed 28 January 2005, <www.guttmacher.org>.

⁹ 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 7 February 2005, <<http://health.utah.gov/vitalrecords/>>.

¹⁰ *National Vital Statistics Reports 52.10* (Hyattsville, MD: National Center for Health Statistics, 2003), 48, accessed 4 February 2005, <<http://www.cdc.gov/nchs/births.htm#stat%20tables>>.

¹¹ Rose Fuller et al., *FACTS-Middle School Teacher’s Edition* (Portland, OR: Northwest Family Services, 2000), 10.

¹² Rose Fuller *FACTS-Middle School Teacher’s Edition Appendix* (Portland, OR: Northwest Family Services, 2000), 98.

¹³ *Teacher Talk, No Place For Doubt*, accessed 9 January 2005, <<http://www.noplacfordoubt.org/teachers/>>.

¹⁴ In FY 2004 SPRANS–CBAE was administered within the U.S. Department of Health and Human Services (HHS) by the Maternal and Child Health Bureau. In FY 2005 this funding stream was moved to HHS’ Administration for Children and Families and is now referred to simply as Community Based Abstinence Education (CBAE).