



Sex Education Instructional Materials

References: 53G-10-402
53G-10-403
53E-9-203

PURPOSE

This policy establishes the process for the review, adoption, and appeal of sex education instructional materials within Merit Preparatory Academy. It ensures transparency and compliance with Utah Code 53G-10-402, and provides parents and guardians with an opportunity to participate in the selection and appeal process.

DEFINITIONS

- I. Curriculum Materials Review Committee (CMRC): A committee organized for the purpose of reviewing and recommending all sex education instructional materials to the Merit Preparatory Governing Board for adoption. The committee shall be comprised of:
 - A. Licensed educators with expertise in health education
 - B. School administrators
 - C. Parents of students enrolled at Merit Academy
 - D. Community representatives, as deemed appropriate
 - E. The Board's curriculum committee representative.
- II. Refusal skills: instruction in:
 - A. A student's ability to clearly and expressly refuse sexual advances by a minor or an adult;
 - B. A student's obligation to stop any sexual advances if refused by another individual;
 - C. informing a student of their right to report and seek counseling for unwanted sexual advances;
 - D. Sexual harassment; and
 - E. 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.

- III. Sex Education: any course material, unit, class, lesson, activity, or presentation that, as the focus of the intended, primary 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.
- IV. Sex Education Appeals Review Committee (SEARC): A committee organized for the purpose of reviewing appeals concerning all sex education instructional materials and making recommendations to the Board of Trustees regarding reviewed materials. The committee shall be comprised of:
 - A. All members of the Curriculum Materials Review Committee;
 - B. At least one additional educator with expertise in health education; and
 - C. At least one additional parent representative who was not involved in the original selection process.

POLICY

I. Curriculum Materials Review Committee (CMRC)

- A. The CMRC shall review and recommend all sex education instructional materials to the Merit Preparatory Governing Board for adoption. The sex education materials shall include instruction in:
 - a. Community and personal health;
 - b. Physiology;
 - c. Personal hygiene;
 - d. Prevention of communicable disease;
 - e. Refusal skills; and
 - f. The harmful effects of pornography.
- B. The committee shall ensure that all recommended materials comply with state law and board rules, including the requirement that instruction:
 - a. Is medically accurate;
 - b. Is developmentally appropriate;

- c. Does not include the advocacy of contraceptive methods or sexual activity outside of marriage, as mandated by Utah Code 53G-10-402
 - d. Stresses the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases; and
 - e. Stresses personal skills that encourage individual choice of abstinence and fidelity.
- C. The following is prohibited in the instruction materials:
- a. The intricacies of intercourse, sexual stimulation, or erotic behavior;
 - b. The advocacy of premarital or extramarital sexual activity; or
 - c. The advocacy or encouragement of the use of contraceptive methods or devices.
 - i. Instruction may include information about contraceptive methods or devices that stresses effectiveness, limitations, risks, and information on state law applicable to minors obtaining contraceptive methods or devices.
 - d. 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.
- D. Students shall receive instruction in sex education on at least two occasions during the period that begins with the beginning of grade 8 and the end of grade 12.

II. **Governing Board Responsibilities:**

- A. Adopt sex education instructional materials based on recommendations from the CMRC.
 - a. Instructional materials may be those recommended by the State Board of Education, or materials that comply with Utah Code 53G-10-402.
- B. Ensure compliance with Utah Code 53G-10-402 and State Board of Education rules regarding sex education.
- C. Adopt instructional materials in an open and regular public meeting with prior notice provided to parents.
- D. Allow parents to express their views and opinions on the materials before adoption, in accordance with Utah Code 53G-10-402(2)(h)(iv).
- E. Support the appeal and review process of sex education materials.
- F. Review every two years:
 - a. This policy
 - b. Data for Utah County 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 Merit governing board.
- G. Ensure appropriate professional development for teachers, counselors, and school administrators to enable them to protect and properly instruct students in the values and character traits referred to in Utah Codes: 53G-10-402, 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, and 53G-10-205.
- H. Ensure the distribution of appropriate written materials on the values, character traits, and conduct to each individual receiving the professional development.
- I. Reporting and compliance:
 - a. Report all adopted sex education instructional materials and confirm compliance with Utah Code 53G-10-402 to the Utah State Board of Education as required.
 - b. Maintain records of all sex education instructional materials adopted and any appeals received.

III. Appeals and Review Process:

Parents or guardians who have concerns about the adoption of specific sex education instructional materials may submit an appeal following these procedures:

- A. Filing an Appeal:
 - a. Eligibility: Appeals may be filed only by parents or guardians of currently enrolled students.
 - b. Submission Requirements: The appeal must be submitted in writing to Merit's director **within 30 days of the material's adoption** and include:
 - i. The name and description of the instructional material being challenged.
 - ii. A clear statement of the concerns regarding the material, including references to state laws or board rules, if applicable.
 - iii. The desired resolution (e.g., removal, modification, alternative materials).
- B. Review Process:
 - a. The director shall review the appeal for completeness and validity.
 - b. The appeal shall be forwarded to the Sex Education Appeals Review Committee (SEARC).
 - i. The SEARC shall review the instructional material and appeal, considering:
 - 1. Compliance with Utah Code 53G-10-402.
 - 2. Accuracy and appropriateness of the material.
 - 3. Community concerns and stakeholder input.

- ii. The SEARC shall make a recommendation to Merit's Governing Board within 30 days of receiving the appeal.

C. Decision and Final Appeal:

- a. Merit's Governing Board shall review the SEARC's recommendation and vote on the appeal in a public meeting.
- b. The decision of Merit's Governing Board shall be provided in writing to the appellant within 10 days of the final vote.
- c. If the appellant disagrees with the decision, they may file a final appeal with the Utah State Board of Education in accordance with state guidelines.

IV. Parental Rights:

- A. Merit Academy shall provide a publicly accessible link to this policy on its website, ensuring transparency in the sex education instructional materials adoption and appeals process.
- B. Merit Academy shall obtain prior written consent from a student's parent before the school may provide sex education instruction to the student.
- C. Parents may review curriculum materials with cooperation from the student's teacher, as requested.
- D. If a student's parent chooses not to have the student participate in sex education instruction, Merit 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.
- E. If, at the parent's request, Merit either waives the sex education requirement for the student or provides an alternative, it is understood by all parties that the parent accepts full responsibility for the student's sex education instruction.

Board Review and Adoption: 3/19/2025

****is there an accommodation for the parent of a student who is new to the school, who has concerns but who's student was not enrolled in the school when the policy was approved?**