

CPR TRAINING IN SCHOOLS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill amends provisions related to public school instruction in health to include instruction in lifesaving emergency procedures.

Highlighted Provisions:

This bill:

- requires the State Board of Education to include instruction in lifesaving emergency procedures, including instruction in cardiopulmonary resuscitation (CPR), in the core curriculum standards for instruction in health.

Money Appropriated in this Bill:

This bill appropriates:

- to the State Board of Education - Utah State Office of Education, as an ongoing appropriation:
 - from the Education Fund, \$200,000.

Other Special Clauses:

This bill provides an effective date.

Utah Code Sections Affected:

AMENDS:

53A-13-101, as last amended by Laws of Utah 2004, Chapter 196

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



28 Section 1. Section **53A-13-101** is amended to read:

29 **53A-13-101. Instruction in health -- Parental consent requirements -- Conduct**
30 **and speech of school employees and volunteers -- Political and religious doctrine**
31 **prohibited.**

32 (1) (a) The State Board of Education shall establish curriculum requirements under
33 Section 53A-1-402, that include instruction in:

- 34 (i) community and personal health;
- 35 (ii) physiology;
- 36 (iii) personal hygiene; and
- 37 (iv) prevention of communicable disease.

38 (b) (i) That instruction shall stress:

39 (A) the importance of abstinence from all sexual activity before marriage and fidelity
40 after marriage as methods for preventing certain communicable diseases; and

41 (B) personal skills that encourage individual choice of abstinence and fidelity.

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

45 (B) Subsection (1)(b)(ii)(A) does not preclude an instructor from responding to a
46 spontaneous question as long as the response is consistent with the provisions of this section.

47 (c) (i) The board shall recommend instructional materials for use in the curricula
48 required under Subsection (1)(a) after considering evaluations of instructional materials by the
49 State Instructional Materials Commission.

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

51 (A) the instructional materials recommended under Subsection (1)(c)(i); or

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

53 (iii) The state board rule made under Subsection (1)(c)(ii)(B) shall include, at a
54 minimum:

55 (A) that the materials adopted by a local school board under Subsection (1)(c)(ii)(B)
56 shall be based upon recommendations of the school district's Curriculum Materials Review
57 Committee that comply with state law and state board rules emphasizing abstinence before
58 marriage and fidelity after marriage, and prohibiting instruction in:

- 59 (I) the intricacies of intercourse, sexual stimulation, or erotic behavior;
- 60 (II) the advocacy of homosexuality;
- 61 (III) the advocacy or encouragement of the use of contraceptive methods or devices; or
- 62 (IV) the advocacy of sexual activity outside of marriage;
- 63 (B) that the adoption of instructional materials shall take place in an open and regular
- 64 meeting of the local school board for which prior notice is given to parents and guardians of
- 65 students attending schools in the district and an opportunity for them to express their views and
- 66 opinions on the materials at the meeting;
- 67 (C) provision for an appeal and review process of the local school board's decision; and
- 68 (D) provision for a report by the local school board to the State Board of Education of
- 69 the action taken and the materials adopted by the local school board under Subsections
- 70 (1)(c)(ii)(B) and (1)(c)(iii).
- 71 (2) (a) Instruction in the courses described in Subsection (1) shall be consistent and
- 72 systematic in grades eight through 12.
- 73 (b) At the request of the board, the Department of Health shall cooperate with the board
- 74 in developing programs to provide instruction in those areas.
- 75 (3) (a) The board shall adopt rules that:
- 76 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323
- 77 are complied with; and
- 78 (ii) require a student's parent or legal guardian to be notified in advance and have an
- 79 opportunity to review the information for which parental consent is required under Sections
- 80 76-7-322 and 76-7-323.
- 81 (b) The board shall also provide procedures for disciplinary action for violation of
- 82 Section 76-7-322 or 76-7-323.
- 83 (4) (a) In keeping with the requirements of Section 53A-13-109, and because school
- 84 employees and volunteers serve as examples to their students, school employees or volunteers
- 85 acting in their official capacities may not support or encourage criminal conduct by students,
- 86 teachers, or volunteers.
- 87 (b) To ensure the effective performance of school personnel, the limitations described
- 88 in Subsection (4)(a) also apply to school employees or volunteers acting outside of their official
- 89 capacities if:

90 (i) they knew or should have known that their action could result in a material and
91 substantial interference or disruption in the normal activities of the school; and

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

94 (c) Neither the State Office of Education nor local school districts may provide training
95 of school employees or volunteers that supports or encourages criminal conduct.

96 (d) The State Board of Education shall adopt rules implementing this section.

97 (e) Nothing in this section limits the ability or authority of the State Board of
98 Education and local school boards to enact and enforce rules or take actions that are otherwise
99 lawful, regarding educators', employees', or volunteers' qualifications or behavior evidencing
100 unfitness for duty.

101 (5) Except as provided in Section 53A-13-101.1, political, atheistic, sectarian,
102 religious, or denominational doctrine may not be taught in the public schools.

103 (6) (a) Local school boards and their employees shall cooperate and share
104 responsibility in carrying out the purposes of this chapter.

105 (b) Each school district shall provide appropriate inservice training for its teachers,
106 counselors, and school administrators to enable them to understand, protect, and properly
107 instruct students in the values and character traits referred to in this section and Sections
108 53A-13-101.1, 53A-13-101.2, 53A-13-101.3, 53A-13-109, 53A-13-301, and 53A-13-302 and
109 distribute appropriate written materials on the values, character traits, and conduct to each
110 individual receiving the inservice training.

111 (c) The written materials shall also be made available to classified employees, students,
112 and parents and guardians of students.

113 (d) In order to assist school districts in providing the inservice training required under
114 Subsection (6)(b), the State Board of Education shall as appropriate, contract with a qualified
115 individual or entity possessing expertise in the areas referred to in Subsection (6)(b) to develop
116 and disseminate model teacher inservice programs which districts may use to train the
117 individuals referred to in Subsection (6)(b) to effectively teach the values and qualities of
118 character referenced in that subsection.

119 (e) In accordance with the provisions of Subsection (4)(c), inservice training may not
120 support or encourage criminal conduct.

121 (7) If any one or more provision, subsection, sentence, clause, phrase, or word of this
122 section, or the application thereof to any person or circumstance, is found to be
123 unconstitutional, the balance of this section shall be given effect without the invalid provision,
124 subsection, sentence, clause, phrase, or word.

125 (8) The State Board of Education shall include instruction in lifesaving emergency
126 procedures, including instruction in cardiopulmonary resuscitation, (CPR), in the State Board
127 of Education core curriculum standards for instruction in health.

128 Section 2. **Appropriation.**

129 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
130 the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following sums of money
131 are appropriated from resources not otherwise appropriated, or reduced from amounts
132 previously appropriated, out of the funds or accounts indicated. These sums of money are in
133 addition to any amounts previously appropriated for fiscal year 2014.

134 To State Board of Education - Utah State Office of Education

135 From Education Fund \$200,000

136 Schedule of Programs:

137 Teaching and Learning \$200,000

138 The Legislature intends that:

139 (1) the appropriation for Teaching and Learning be used for instruction in lifesaving
140 emergency procedures as required in Subsection 53A-13-101(8); and

141 (2) the appropriation under this section:

142 (a) be ongoing; and

143 (b) not lapse at the close of fiscal year 2014.

144 Section 3. **Effective date.**

145 (1) Except as provided in Subsection (2), this bill takes effect on May 14, 2013.

146 (2) Uncodified Section 2, Appropriation, takes effect on July 1, 2013.

Legislative Review Note
as of 1-31-13 9:57 AM

Office of Legislative Research and General Counsel