


	<b>NEBO SCHOOL DISTRICT ADMINISTRATIVE DIRECTIVE</b>	<b>Directive No. 4.3</b>
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**SECTION:** INSTRUCTION  
**TITLE:** STUDENT REQUESTS TO REFRAIN FROM PARTICIPATION  
**DATE:** AUGUST 2023  
**SUPERINTENDENT APPROVAL:** 

## 1. BACKGROUND

- 1.1. As outlined in [Nebo School District Policy IIA, Student Instruction and Materials](#), parents and secondary students have long been able to request a waiver of participation from a learning activity that is contrary to the student's religious beliefs or right of conscience in accordance with [UTAH CODE ANN. § 53G-10-205](#). Originally passed under [HB85 in 1993](#), the statute has been used numerous times to honor parent and student requests for alternative assignments.
- 1.2. In 2023, the Utah Legislature amended § 53G-10-205 under [HB348](#). The bill requires USBE to make rules consistent with the statute. However, in the absence of any rule specifically implementing the statute, this Administrative Directive is provided to guide Nebo employees in responding to parents and students who refrain from participation in school activities.

## 2. DEFINITIONS

- 2.1. "Aspect of a school" means an assignment, program, activity, or event that requires a student's participation and does not include school rules, District policies, or the modality in which instructional material is delivered.
- 2.2. "Conscience" means a standard based upon learned experiences, a personal philosophy or system of belief, religious teachings or doctrine, an absolute or external sense of right and wrong which is felt on an individual basis, a belief in an external absolute, or any combination of the foregoing.
- 2.3. "Instructional material" has the same meaning as in [UTAH CODE ANN. § 53G-10-103](#).
- 2.4. "Participation" means performing an action or actively taking part in an activity or event. Participation does not include being subject to a school or LEA's rules or policies.

## 3. REQUESTS TO REFRAIN FROM PARTICIPATION

- 3.1. Under [UTAH CODE ANN. § 53G-10-205](#), "a student may refrain from participation in any aspect of school that violates a religious belief or right of conscience of the student." Schools must distinguish between a request to refrain based on this statute and those that are made simply out of disobedience, noncompliance or refusal for other reasons.
- 3.2. A request to refrain from participation based on religious belief or right of conscience must be made in writing by a student or the student's parent. The written request must describe the activity and state that participation violates a religious belief or right of conscience of the student.
- 3.3. If a student or parent makes a verbal request to refrain from participation, the employee to whom the request is made may provide the parent or student with a district form on which the request can be written.

- 3.4. An employee to whom a request is provided should give the request to the school principal. The principal will coordinate with the teacher or other employee overseeing the aspect of school from which the student seeks to refrain, and the principal or designee will communicate to the student and parent the effect of the student's decision to refrain from participation, consistent with sections 4 and 5 of this directive.
- 3.5. If a student seeks to refrain from participation under this statute, the school shall promptly notify the student's parent.
- 3.6. A request to refrain from participation may be made only for an individual student. A challenge to or request for review of content for all students to whom it is accessible must be made under the review procedures found in policy IIA or IIB.

#### **4. ASPECT OF SCHOOL**

- 4.1. The statute provides that a student may refrain from participation in "any aspect of school," but it does not define what is meant by "aspect of school." Interpretation of that phrase must not conflict with other legal requirements or the rights of other individuals, nor may it be so construed as to dismantle the structure, function, or purpose of the District's programs and activities.
- 4.2. A student or parent may not refrain from compliance with school rules or District policies.
- 4.3. A student or parent may not refrain from disciplinary action or other consequences for violations of school rules or District policies.
- 4.4. A student or parent may not refrain from instructional methodology.

#### **5. ALTERNATIVES AND CONSEQUENCES**

- 5.1. A school may not provide scores, grades, course credit, or other benefits of participation to a student who refrains from participation or does not complete work required for such benefit.
- 5.2. A student who refrains from participation may be required to participate in an alternative aspect of school.

## REQUEST TO REFRAIN FROM PARTICIPATION

\_\_\_\_\_  
[School Name]

Dear Principal \_\_\_\_\_:

Date: \_\_\_\_\_

Pursuant to UTAH CODE ANN. § 53G-10-205 and Nebo School District Policy IIA, I have determined that my student's participation in the aspect of school described below would violate a religious belief or right of conscience of my student. Therefore, I am requesting that my student be allowed to refrain from participation or that an alternative activity be provided. I understand the following:

- My student may be required to participate in an alternative activity.
- My student will not receive a score, grade, credit, or other benefit of participation.
- My student may not refrain from compliance with laws, policies, or rules.

**Aspect of School (include teacher, date, and location as applicable):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for your consideration of this request.

\_\_\_\_\_  
[Parent's Name]

\_\_\_\_\_  
[Student's Name]

\_\_\_\_\_  
[Parent's Signature]

\_\_\_\_\_  
[Student's Grade]

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**School Use Only**

I have reviewed the above request and determined that:

- Participation will be waived and no other alternative activity or assignment will be required.
- The request for waiver is denied and participation in the above-described activity is required.
- A reasonable alternative will be required, which is described as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
[Principal's Signature]

\_\_\_\_\_  
[Date]