

HB0427S01 compared with HB0427

~~text~~ shows text that was in HB0427 but was deleted in HB0427S01.

text shows text that was not in HB0427 but was inserted into HB0427S01.

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Representative Tim Jimenez proposes the following substitute bill:

INDIVIDUAL FREEDOM IN PUBLIC EDUCATION ~~CURRICULUM~~ REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tim Jimenez

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prohibits the use of instructional materials and classroom instruction that ~~is~~are inconsistent with the principles of inalienable rights, equal opportunity, and individual merit.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ ~~requires~~broadens a provision regarding prayer or religious devotionals;
- ▶ requires the State Board of Education (state board), local education agencies (LEAs), and staff to~~:~~

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- ~~ensure that instructional materials and classroom instruction~~ ensure that instructional materials and classroom instruction ~~are not inconsistent with certain principles; ~~and~~ or~~ are not inconsistent with certain principles; ~~and~~ or
- ~~allow an educator to facilitate an age-appropriate discussion or use age-appropriate resources regarding race and sexism;~~
- ▶ ~~prohibits LEAs~~ do not incentivize or force a student to confront a sincerely held belief, value, or standard;
- ▶ prohibits the state board, LEAs, and staff from:
 - allowing the use of certain instructional materials and classroom instruction; or
 - adopting certain policies;
- ▶ prohibits the state ~~instructional materials commission~~ board and the State Instructional Materials Commission from recommending certain instructional materials;
- ▶ prohibits the state board from developing certain core standards;
- ▶ requires the state board to:
 - ensure compliance with this bill; and
 - create a model policy; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53G-10-202, as last amended by Laws of Utah 2019, Chapter 293

ENACTS:

53G-10-206, Utah Code Annotated 1953

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

Section 1. Section **53G-10-202** is amended to read:

53G-10-202. Maintaining constitutional freedom in the public schools.

(1) ~~[Any]~~ Except as provided in Section 53G-10-206, any instructional activity,

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performance, or display which includes examination of or presentations about religion, political or religious thought or expression, or the influence thereof on music, art, literature, law, politics, history, or any other element of the curriculum, including the comparative study of religions, which is designed to achieve ~~[secular]~~ academic educational objectives included within the context of a course or activity and conducted in accordance with applicable rules or policies of the state and LEA governing boards, may be undertaken in the public schools.

(2) No aspect of cultural heritage, political theory, moral theory, or societal value shall be included within or excluded from public school curricula for the primary reason that it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or supreme being.

(3) Public schools may not sponsor or deny the practice of prayer or religious devotionals.

(4) School officials and employees may not use their positions to endorse, promote, or disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint.

Section 2. Section **53G-10-206** is enacted to read:

53G-10-206. Educational freedom.

~~(1) As used in this section {, "educator" means the same as that term is defined in Section 53E-6-102 and any school or LEA employee.~~

~~— (2) An LEA shall:~~

~~— (a) †:~~

~~(a) (i) "Administrative personnel" means any LEA or state board staff personnel who have system-wide, LEA-wide, or school-wide functions and who perform management activities, including:~~

~~(A) developing broad policies for LEA or state-level boards; and~~

~~(B) executing developed policies through the direction of personnel at any level within the state or LEA.~~

~~(ii) "Administrative personnel" includes state, LEA, or school superintendents, assistant superintendents, deputy superintendents, school principals, assistant principals, directors, executive directors, network directors, cabinet members, subject area directors, grant coordinators, specialty directors, career center directors, educational specialists, technology~~

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personnel, technology administrators, and others who perform management activities.

(b) (i) "Instructional personnel" means an individual whose function includes the provision of:

(A) direct or indirect instructional services to students;

(B) direct or indirect support in the learning process of students; or

(C) direct or indirect delivery of instruction, training, coaching, evaluation, or professional development to instructional or administrative personnel.

(ii) "Instructional personnel" includes:

(A) the state board, LEAs, schools, superintendents, boards, administrators, administrative staff, teachers, classroom teachers, facilitators, coaches, proctors, therapists, counselors, student personnel services, librarians, media specialists, associations, affiliations, committees, contractors, vendors, consultants, advisors, outside entities, community volunteers, para-professionals, public-private partners, trainers, mentors, specialists, and staff;
or

(B) any other employees, officials, government agencies, educational entities, persons, or groups for whom access to students is facilitated through, or not feasible without, the public education system.

(2) The state board, the State Instructional Materials Commission, and each LEA shall ensure that instructional and curricular materials are consistent with:

(~~fi~~a) the principle that all individuals are equal before the law and have inalienable rights; and

(~~fi~~b) the following principles of individual freedom:

(~~fA~~i) that no individual is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of the individual's race, ~~sex~~, or ~~sex~~sexual orientation;

(~~fB~~ii) that no race is inherently superior ~~or inferior~~ to another race;

(~~fC~~iii) that no person should be subject to discrimination or adverse treatment solely or partly on the basis of the individual's race, color, national origin, religion, disability, ~~sex~~, or ~~sex~~sexual orientation;

(~~fD~~iv) that meritocracy or character traits, including hard work ethic, are not racist but fundamental to the right to pursue happiness and to be rewarded for industry; ~~and~~

(~~fE~~v) that an individual, by virtue of the individual's race or sex, does not bear

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~~responsibility for actions that other members of the same race or sex committed in the past;~~
~~and~~

~~—— (F) that an individual should not be made to feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race; and~~

~~—— (b) allow an educator to facilitate an age-appropriate discussion or use age-appropriate instructional or curricular materials to teach about sexism, slavery, racial oppression, racial segregation, and racial discrimination, including topics relating to the enactment and enforcement of laws resulting in sexism, racial oppression, racial segregation, and racial discrimination;~~

~~—— (3) An LEA may not:~~

~~—— (a) allow an educator } or present.~~

(3) The state board, an LEA, or a member of administrative or instructional personnel may not:

(a) subject a student to instruction that incentivizes or forces the student to confront a sincerely held belief, value, or standard that is taught in the student's home;

(b) subject a member of administrative or instructional personnel to instruction, training, coaching, or professional development concepts that incentivize or force the individual to confront a sincerely held belief, value, or standard that the individual holds;

(c) allow instructional personnel or administrative personnel to use instructional, auxiliary, or curricular materials or to } ~~provide classroom instruction to indoctrinate or persuade students}:~~

(i) expose a student to an environment, displays, or instruction that incentivizes or forces a student to confront a sincerely held belief, value, or standard that is taught in the student's home; or

(ii) attempt to persuade a student to a point of view that is inconsistent with:

(~~fi~~)A) the principles described in Subsection (2); or

(~~fi~~)B) the standards that the state board develops in accordance with Section 53E-3-301; and

(~~b~~)d) implement policies or programs, or allow instructional personnel or administrative personnel to implement policies or programs, with content that }:

~~—— (i) reflects unfairly upon an individual because of the individual's race, color, creed,~~

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~~national origin, ancestry, gender, religion, disability, socioeconomic status, or occupation, or~~

~~(ii)~~ is inconsistent with the principles described in Subsection (2).

(4) (a) The State Instructional Materials Commission may not recommend to the state board instructional materials under Section 53E-4-403 that violate this section or are inconsistent with the principles described in Subsection (2).

(b) Staff of the state board may not recommend to the state board instructional materials that violate this section or are inconsistent with the principles described in Subsection (2).

(5) The state board and state superintendent may not develop core standards under Section 53E-3-301 that violate this section or are inconsistent with the principles described in Subsection (2).

(6) No later than July 31, 2023, the state board shall:

(a) create a model policy for LEA adoption in accordance with this section; and

(b) ensure that all materials and standards comply with this section.

Section 3. **Effective date.**

This bill takes effect on July 1, 2023.