

HB0427S02 compared with HB0427S01

~~{deleted text}~~ shows text that was in HB0427S01 but was deleted in HB0427S02.

inserted text shows text that was not in HB0427S01 but was inserted into HB0427S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative **Tim Jimenez** proposes the following substitute bill:

INDIVIDUAL FREEDOM IN PUBLIC EDUCATION

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tim Jimenez

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ broadens a provision regarding prayer or religious devotionals;
- ▶ requires the State Board of Education (state board), local education agencies (LEAs), and staff to ensure that instructional materials and classroom instruction

~~_____~~ are ~~{not inconsistent}~~consistent with certain principles~~{, or~~

~~_____~~ do not incentivize or force a student to confront a sincerely held belief, value, or

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~~standard~~};

- ▶ prohibits the state board, LEAs, and staff from:
 - allowing the use of ~~{certain}~~ instructional materials and classroom instruction that are inconsistent with certain principles; or
 - adopting policies that are inconsistent with certain ~~{policies}~~ principles;
- ▶ prohibits the state 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} that are inconsistent with certain principles; 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, 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

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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:

(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 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:

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(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) (a) The state board, the State Instructional Materials Commission, and each LEA shall ensure that the state's public education system, including any professional learning, administrative functions, displays, instructional and curricular materials ~~are~~, is consistent with the following principles of individual freedom:

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

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

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

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

~~(iii)~~ (C) 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 sexual orientation;

~~(iv)~~ (D) 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~~
~~(v)~~ nor associated with or inconsistent with any racial or ethnic group; and

(E) that an individual, by virtue of the individual's race or sex, does not bear responsibility for actions that other members of the same race or sex committed in the past or present.

(b) Nothing in this section prohibits instruction regarding race, color, national origin, religion, disability, or sex in a manner that is consistent with the principles described in Subsection (2)(a).

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(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} attempt to persuade a student 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:~~

~~_____ (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 {:~~

~~_____ (A) } the principles described in Subsection (2)(a); or~~

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

~~} (d) b) implement policies or programs, or allow instructional personnel or administrative personnel to implement policies or programs, with content that is inconsistent with the principles described in Subsection (2)(a).~~

(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)(a).

~~{ _____ (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 or continue to use core standards under Section 53E-3-301, professional learning, or instructional materials that ~~{ violate this section or }~~ are inconsistent with the principles described in Subsection (2)(a).~~

~~{ _____ (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~~

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

‡ Section 3. **Effective date.**

This bill takes effect on July ~~11~~31, 2023.