

EQUAL OPPORTUNITY INITIATIVES

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Katy Hall

Senate Sponsor: Keith Grover

LONG TITLE

General Description:

This bill prohibits an institution of higher education, the public education system, and a governmental employer from taking certain actions and engaging in discriminatory practices.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits an institution of higher education, the public education system, and a governmental employer from:
 - requiring an individual, before, during, or after admission or employment, to provide certain submissions or attend certain training that promotes differential treatment;
 - using an individual's certain characteristics in decisions regarding aspects of employment or education; and
 - engaging in certain practices;
- ▶ requires the Utah Board of Education (board), the State Board of Education (state board), and the governor to ensure compliance with certain requirements;
- ▶ prohibits an institution of higher education, the state board, and a governmental employer from establishing or maintaining an office that engages in certain practices;



- 28 ▶ requires an institution of higher education to:
- 29 • contract with a third party to conduct campus climate surveys;
- 30 • provide certain training; and
- 31 • collect and send the surveys to the Office of Legislative Research and General
- 32 Counsel (OLRGC);
- 33 ▶ requires OLRGC to provide campus climate survey summaries to the Education
- 34 Interim Committee at certain times;
- 35 ▶ provides for certain measures of legislative oversight;
- 36 ▶ appropriates funding for a certain institution of higher education program;
- 37 ▶ provides that an individual may submit a complaint for noncompliance:
- 38 • for an institution, the board; or
- 39 • for public education, the state board;
- 40 ▶ provides limited exceptions to the prohibitions in this bill; and
- 41 ▶ makes technical and conforming changes.

42 **Money Appropriated in this Bill:**

43 None

44 **Other Special Clauses:**

45 This bill provides a special effective date.

46 **Utah Code Sections Affected:**

47 AMENDS:

48 **53B-1-301**, as last amended by Laws of Utah 2023, Chapter 374

49 **53E-1-201**, as last amended by Laws of Utah 2023, Chapters 1, 328 and 380

50 **53E-1-202**, as last amended by Laws of Utah 2023, Chapter 7

51 ENACTS:

52 **53B-1-116**, Utah Code Annotated 1953

53 **53B-1-117**, Utah Code Annotated 1953

54 **53B-1-118**, Utah Code Annotated 1953

55 **53E-3-1101**, Utah Code Annotated 1953

56 **53G-2-103**, Utah Code Annotated 1953

57 **53G-2-104**, Utah Code Annotated 1953

58 **53G-2-105**, Utah Code Annotated 1953

- 59 [67-1-18](#), Utah Code Annotated 1953
 - 60 [67-27-105](#), Utah Code Annotated 1953
 - 61 [67-27-106](#), Utah Code Annotated 1953
 - 62 [67-27-107](#), Utah Code Annotated 1953
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64 *Be it enacted by the Legislature of the state of Utah:*

65 Section 1. Section **53B-1-116** is enacted to read:

66 **53B-1-116. Prohibition on the use of certain submissions in higher education --**

67 **Exceptions.**

68 (1) As used in this section, "prohibited submission" means the same as that term is
69 defined in Section [67-27-105](#).

70 (2) Except as provided in Subsections (4) and (6), an institution may not require,
71 request, solicit, or compel a prohibited submission as a certification or condition before taking
72 action with respect to:

73 (a) employment, including decisions regarding:

74 (i) hiring;

75 (ii) terms of employment;

76 (iii) benefits;

77 (iv) compensation;

78 (v) seniority status;

79 (vi) tenure or continuing status;

80 (vii) promotion;

81 (viii) performance reviews;

82 (ix) transfer;

83 (x) termination; or

84 (xi) appointment;

85 (b) admission to, advancement in, or graduation from an institution or an academic
86 program;

87 (c) participation in an institution-sponsored program; or

88 (d) qualification for or receipt of state financial aid or other state financial assistance.

89 (3) An institution may not grant any form of preferential consideration to an individual

90 who, with or without solicitation from the institution, provides a prohibited submission for
91 consideration for any action described in Subsection (2).

92 (4) If federal law requires an institution to accept or require a prohibited submission,
93 the institution:

94 (a) may accept the prohibited submission only to the extent required under federal law;
95 and

96 (b) shall limit consideration of the information contained in the prohibited submission
97 to the extent necessary to satisfy the requirement under federal law.

98 (5) For a required prohibited submission under Subsection (4), an institution shall:

99 (a) prepare a report to the institution's governing board detailing the circumstances
100 under which a prohibited submission is required; and

101 (b) publish the report described in Subsection (5)(a) on the institution's governing
102 board website in a conspicuous location.

103 (6) Nothing in this section limits or prohibits an institution's authority to establish
104 policies that:

105 (a) are necessary to comply with state or federal law, including laws relating to
106 prohibited discrimination or harassment;

107 (b) require disclosure of an employee's academic research, classroom teaching, or
108 coursework; or

109 (c) require an applicant for employment, tenure, or promotion to disclose or discuss the
110 applicant's:

111 (i) research;

112 (ii) teaching agenda;

113 (iii) artistic creations; or

114 (iv) pedagogical approaches or experiences with students of all learning abilities.

115 (7) (a) Beginning on July 1, 2025, the board shall conduct a biennial review of an
116 institution of higher education's compliance with this section as follows:

117 (i) for 2025, on each institution of higher education; and

118 (ii) for 2026, and every year after, on one-half of the degree granting institutions of
119 higher education and one-half of the technical colleges.

120 (b) If the board identifies a violation of this section, the board shall:

121 (i) on or before 30 days after the day on which the board identifies the violation, work
122 with the institution to create a remediation plan; and

123 (ii) provide the institution 180 days after the day of the creation of the remediation plan
124 to cure the violation.

125 (8) On or before November 1 of each year, the board shall prepare and submit a report
126 to the Higher Education Appropriations Subcommittee on:

127 (a) the review process and each institution's compliance determination; or

128 (b) if a violation is identified, the remediation plan and progress under Subsection

129 (7)(b).

130 (9) The Legislature may withhold future state appropriations to an institution that fails
131 to cure a violation of this section within the time provided under Subsection (7)(b).

132 (10) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
133 Administrative Rulemaking Act, to establish a procedure for accepting and processing an
134 individual's complaint against an institution for an alleged violation of this section.

135 Section 2. Section **53B-1-117** is enacted to read:

136 **53B-1-117. Prohibition on the use of certain training in higher education --**

137 **Exceptions.**

138 (1) As used in this section, "prohibited training" means the same as that term is defined
139 in Section [67-27-106](#).

140 (2) An institution may not require prohibited training.

141 (3) An institution shall annually train the institution's faculty and staff on academic
142 freedom and freedom of speech in accordance with state or federal laws.

143 (4) (a) Beginning on July 1, 2025, the board shall conduct a biennial review of an
144 institution of higher education's compliance with this section as follows:

145 (i) for 2025, on each institution of higher education; and

146 (ii) for 2026, and every year after, on one-half of the institutions of higher education

147 and one-half of the technical colleges.

148 (b) If the board identifies a violation of this section, the board shall:

149 (i) on or before 30 days after the day on which the board identifies the violation, work
150 with the institution to create a remediation plan; and

151 (ii) provide the institution 180 days after the day of the creation of the remediation plan

152 to cure the violation.

153 (5) On or before November 1 of each year, the board shall prepare and submit a report
154 to the Higher Education Appropriations Subcommittee on:

155 (a) the review process and each institution's compliance determination; or

156 (b) if a violation is identified, the remediation plan and progress under Subsection
157 (4)(b).

158 (6) The Legislature may withhold future state appropriations to an institution that fails
159 to cure a violation of this section within the time provided under Subsection (4)(b).

160 (7) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
161 Administrative Rulemaking Act, to establish a procedure for accepting and processing an
162 individual's complaint against an institution for an alleged violation of this section.

163 Section 3. Section **53B-1-118** is enacted to read:

164 **53B-1-118. Prohibited discriminatory practices -- Restrictions -- Campus climate**
165 **survey -- Exceptions.**

166 (1) As used in this section:

167 (a) "Personal identity characteristics" means an individual's race, color, ethnicity, sex,
168 sexual orientation, national origin, religion, or gender identity.

169 (b) (i) "Prohibited discriminatory practice" means engaging in or maintaining a policy,
170 procedure, practice, program, office, initiative, or required training that, based on an
171 individual's personal identity characteristics:

172 (A) promotes the differential treatment of an individual;

173 (B) influences the employment decisions of an individual other than through the use of
174 neutral hiring processes with regard to personal identity characteristics and in accordance with
175 federal law;

176 (C) influences an individual's admission to, advancement in, or graduation from an
177 institution, the public education system, or an academic program; or

178 (D) influences an individual's participation in an institution-sponsored or public
179 education system-sponsored program.

180 (ii) "Prohibited discriminatory practice" also means engaging in or maintaining a
181 policy, procedure, practice, program, office, initiative, or required training that:

182 (A) asserts directly or indirectly that one personal identity characteristic is inherently

183 superior or inferior to another personal identity characteristic;

184 (B) asserts directly or indirectly that an individual, by virtue of the individual's
185 personal identity characteristics, is inherently privileged, oppressed, racist, sexist, oppressive,
186 or a victim, whether consciously or unconsciously;

187 (C) asserts directly or indirectly that an individual should be discriminated against,
188 receive adverse treatment, be advanced, or receive beneficial treatment because of the
189 individual's personal identity characteristics;

190 (D) asserts directly or indirectly that an individual's moral character is determined by
191 the individual's personal identity characteristics;

192 (E) asserts directly or indirectly that an individual, by virtue of the individual's personal
193 identity characteristics, bears responsibility for actions committed in the past by other
194 individuals with the same personal identity characteristics;

195 (F) asserts directly or indirectly that an individual should feel discomfort, guilt,
196 anguish, or other psychological distress solely because of the individual's personal identity
197 characteristics;

198 (G) asserts directly or indirectly that meritocracy is inherently racist or sexist;

199 (H) asserts directly or indirectly that socio-political structures are inherently a series of
200 power relationships and struggles among racial groups;

201 (I) promotes resentment between, or resentment of, individuals by virtue of their
202 personal identity characteristics;

203 (J) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual
204 because of the individual's race, color, ethnicity, sex, sexual orientation, national origin, or
205 gender identity; or

206 (K) considers an individual's personal identity characteristics in determining receipt of
207 state financial aid or other state financial assistance.

208 (c) "Prohibited discriminatory practice" does not include policies or procedures
209 required by:

210 (i) state law consistent with this chapter, including laws related to prohibited
211 discrimination or harassment; or

212 (ii) federal law, including laws relating to prohibited discrimination or harassment.

213 (2) "Student success and support" means an office, division, employment position, or

214 other unit of an institution established or maintained to provide support, guidance, and
215 resources that equip all students, including all students at higher risk of not completing a
216 certificate or degree, with experiences and opportunities for success in each student's academic
217 and career goals, and without excluding individuals on the basis of an individual's personal
218 identity characteristics.

219 (3) An institution may not:

220 (a) take, express, or assert a position or opinion on subjects described in Subsection
221 67-27-105(1)(b)(ii);

222 (b) establish or maintain an office, division, employment position, or other unit of an
223 institution established to implement, develop, plan, or promote campus policies, procedures,
224 practices, programs, or initiatives, regarding prohibited discriminatory practices; or

225 (c) employ or assign an employee or a third-party whose duties for an institution
226 include coordinating, creating, developing, designing, implementing, organizing, planning, or
227 promoting policies, programming, training, practices, activities, and procedures relating to
228 prohibited discriminatory practices.

229 (4) An institution shall:

230 (a) ensure that all students have access to programs providing student success and
231 support;

232 (b) publish the titles and syllabi of all mandatory courses, seminars, classes,
233 workshops, and training sessions on the institution's website in an online database readily
234 searchable by the public;

235 (c) annually train employees on the separation of personal political advocacy from an
236 institution's business and employment activities;

237 (d) develop strategies to promote viewpoint diversity; and

238 (e) establish policies and procedures to include opportunities for education and
239 research on free speech and civic education.

240 (5) Beginning on or before July 1, 2025, the board shall report to the Higher Education
241 Appropriations Subcommittee on the status and allocation of appropriated funds for student
242 success and support.

243 (6) The Legislature shall, in a line item appropriation, appropriate ongoing funding to
244 support an institution's student success and support program in accordance with this section.

245 (7) (a) On or before January 1, 2025, the board shall contract with a third-party
246 contractor, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to conduct a
247 campus expression climate survey of each institution:

248 (i) to assess student, faculty, and staff perceptions of and experiences with an
249 institution's campus environment that measures the student's, faculty member's, and staff
250 member's perception of and experience with an institution's campus environment; and

251 (ii) that measures the student's, faculty member's, and staff member's perception of and
252 experience with campus policy and practice regarding freedom of speech and academic
253 freedom at the institution.

254 (b) The board shall collect the results of each campus expression climate survey under
255 Subsection (5) and submit the results to the Office of Legislative Research and General
256 Counsel beginning on or before July 1.

257 (8) (a) The Office of Legislative Research and General Counsel shall provide a
258 summary report on the data collected from the campus expression climate surveys to the
259 Education Interim Committee on or before:

260 (i) November 1, 2027, for reports received in years 2025, 2026, and 2027;

261 (ii) November 1, 2030, for reports received in years 2028, 2029, and 2030; and

262 (iii) November 1, 2033, for reports received in years 2031, 2032, and 2033.

263 (b) On or before November 1, 2035, the Office of Legislative Research and General
264 Counsel shall provide a comprehensive report of the campus expression climate surveys to the
265 Education Interim Committee.

266 (9) Nothing in this section requires an individual to respond to a campus expression
267 climate survey.

268 (10) Nothing in this section limits or prohibits an institution's authority to establish
269 policies that:

270 (a) are necessary to comply with state or federal law, including laws relating to
271 prohibited discrimination or harassment;

272 (b) require disclosure of an employee's academic research, classroom teaching, or
273 coursework; or

274 (c) require for employment, tenure, or promotion to disclose or discuss the applicant's:

275 (i) research;

- 276 (ii) teaching agenda;
- 277 (iii) artistic creations; or
- 278 (iv) pedagogical approaches or experiences with students of all learning abilities.
- 279 (11) This section does not apply to:
- 280 (a) requirements necessary for athletic and accreditation compliance;
- 281 (b) academic research;
- 282 (c) academic course teaching in the classroom; or
- 283 (d) a grant that would otherwise require:
- 284 (i) a department, office, division, or other unit of an institution to engage in a
- 285 prohibited discriminatory practice if the grant has been reviewed and approved by the
- 286 institution's board of trustees; or
- 287 (ii) an institution to engage in a prohibited discriminatory practice if the grant has been
- 288 reviewed and approved by the board.
- 289 (12) (a) Beginning on July 1, 2025, the board shall conduct a biennial review of an
- 290 institution of higher education's compliance with this section as follows:
- 291 (i) for 2025, on each institution of higher education; and
- 292 (ii) for 2026, and every year after, on one-half of the degree granting institutions of
- 293 higher education and one-half of the technical colleges.
- 294 (b) If the board identifies a violation of this section, the board shall:
- 295 (i) on or before 30 days after the day on which the board identifies the violation, work
- 296 with the institution to create a remediation plan; and
- 297 (ii) provide the institution 180 days after the day of the creation of the remediation plan
- 298 to cure the violation.
- 299 (13) On or before November 1 of each year, the board shall prepare and submit a report
- 300 to the Higher Education Appropriations Subcommittee on:
- 301 (a) the review process and each institution's compliance determination; or
- 302 (b) if a violation is identified, the remediation plan and progress under Subsection
- 303 (12)(b).
- 304 (14) On or before December 1 of each year, the Higher Education Appropriations
- 305 Subcommittee shall:
- 306 (a) report the findings under Subsections (5) and (13) to the Legislature; and

307 (b) make appropriation recommendations about an institution's compliance with this
308 section.

309 (15) The Legislature may withhold future state appropriations to an institution that fails
310 to cure a violation of this section within the time provided under Subsection (12)(b).

311 (16) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
312 Administrative Rulemaking Act, to establish a procedure for accepting and processing an
313 individual's complaint against an institution for an alleged violation of this section.

314 Section 4. Section **53B-1-301** is amended to read:

315 **53B-1-301. Reports to and actions of the Higher Education Appropriations**
316 **Subcommittee.**

317 (1) In accordance with applicable provisions and Section **68-3-14**, the following
318 recurring reports are due to the Higher Education Appropriations Subcommittee:

319 (a) the reports described in Sections **53B-1-116**, **53B-1-117**, and **53B-1-118**;

320 (b) the reports described in Sections **34A-2-202.5**, **53B-30-206**, and **59-9-102.5** by the
321 Rocky Mountain Center for Occupational and Environmental Health;

322 ~~(b)~~ (c) the report described in Section **53B-7-101** by the board on recommended
323 appropriations for higher education institutions, including the report described in Section
324 **53B-8-104** by the board on the effects of offering nonresident partial tuition scholarships;

325 ~~(e)~~ (d) the report described in Section **53B-7-704** by the Department of Workforce
326 Services and the Governor's Office of Economic Opportunity on targeted jobs;

327 ~~(d)~~ (e) the reports described in Section **53B-7-705** by the board on performance;

328 ~~(e)~~ (f) the report described in Section **53B-8-201** by the board on the Opportunity
329 Scholarship Program;

330 ~~(f)~~ (g) the report described in Section **53B-8d-104** by the Division of Child and
331 Family Services on tuition waivers for wards of the state;

332 ~~(g)~~ (h) the report described in Section **53B-13a-103** by the board on the Utah Promise
333 Program;

334 ~~(h)~~ (i) the report described in Section **53B-17-201** by the University of Utah
335 regarding the Miners' Hospital for Disabled Miners;

336 ~~(i)~~ (j) the report described in Section **53B-26-202** by the Medical Education Council
337 on projected demand for nursing professionals;

338 [fj] (k) the report described in Section 53B-35-202 regarding the Higher Education
339 and Corrections Council; and

340 [fk] (l) the report described in Section 53E-10-308 by the State Board of Education
341 and board on student participation in the concurrent enrollment program.

342 (2) In accordance with applicable provisions and Section 68-3-14, the following
343 occasional reports are due to the Higher Education Appropriations Subcommittee:

344 (a) upon request, the information described in Section 53B-8a-111 submitted by the
345 Utah Educational Savings Plan;

346 (b) a proposal described in Section 53B-26-202 by an eligible program to respond to
347 projected demand for nursing professionals; and

348 (c) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board
349 on the fire and rescue training program described in Section 53B-29-202.

350 (3) In accordance with applicable provisions, the Higher Education Appropriations
351 Subcommittee shall complete the following:

352 (a) an appropriation recommendation described in Section 53B-1-118 regarding
353 compliance with Subsections 53B-1-118(5) and (13);

354 (b) as required by Section 53B-7-703, the review of performance funding described in
355 Section 53B-7-703;

356 [fb] (c) an appropriation recommendation described in Section 53B-26-202 to fund a
357 proposal responding to projected demand for nursing professionals; and

358 [fe] (d) review of the report described in Section 63B-10-301 by the University of
359 Utah on the status of a bond and bond payments specified in Section 63B-10-301.

360 Section 5. Section 53E-1-201 is amended to read:

361 **53E-1-201. Reports to and action required of the Education Interim Committee.**

362 (1) In accordance with applicable provisions and Section 68-3-14, the following
363 recurring reports are due to the Education Interim Committee:

364 (a) the report described in Section 9-22-109 by the STEM Action Center Board,
365 including the information described in Section 9-22-113 on the status of the computer science
366 initiative and Section 9-22-114 on the Computing Partnerships Grants Program;

367 (b) the prioritized list of data research described in Section 53B-33-302 and the report
368 on research and activities described in Section 53B-33-304 by the Utah Data Research Center;

- 369 (c) the report described in Section [35A-15-303](#) by the State Board of Education on
370 preschool programs;
- 371 (d) the report described in Section [53B-1-402](#) by the Utah Board of Higher Education
372 on career and technical education issues and addressing workforce needs;
- 373 (e) the annual report of the Utah Board of Higher Education described in Section
374 [53B-1-402](#);
- 375 (f) the reports described in Section [53B-28-401](#) by the Utah Board of Higher Education
376 regarding activities related to campus safety;
- 377 (g) the State Superintendent's Annual Report by the state board described in Section
378 [53E-1-203](#);
- 379 (h) the annual report described in Section [53E-2-202](#) by the state board on the strategic
380 plan to improve student outcomes;
- 381 (i) the report described in Section [53E-8-204](#) by the state board on the Utah Schools for
382 the Deaf and the Blind;
- 383 (j) the report described in Section [53E-10-703](#) by the Utah Leading through Effective,
384 Actionable, and Dynamic Education director on research and other activities;
- 385 (k) the report described in Section [53F-2-522](#) regarding mental health screening
386 programs;
- 387 (l) the report described in Section [53F-4-203](#) by the state board and the independent
388 evaluator on an evaluation of early interactive reading software;
- 389 (m) the report described in Section [63N-20-107](#) by the Governor's Office of Economic
390 Opportunity on UPSTART;
- 391 (n) the reports described in Sections [53F-5-214](#) and [53F-5-215](#) by the state board
392 related to grants for professional learning and grants for an elementary teacher preparation
393 assessment;
- 394 (o) upon request, the report described in Section [53F-5-219](#) by the state board on the
395 Local Innovations Civics Education Pilot Program;
- 396 (p) the report described in Section [53F-5-405](#) by the State Board of Education
397 regarding an evaluation of a partnership that receives a grant to improve educational outcomes
398 for students who are low income;
- 399 (q) the report described in Section [53B-35-202](#) regarding the Higher Education and

400 Corrections Council;

401 (r) the reports described in Sections [53G-2-103](#), [53E-2-104](#), and [53G-2-105](#) regarding
402 compliance with Sections [53G-2-103](#), [53E-2-104](#), and [53G-2-105](#);

403 ~~(r)~~ (s) the report described in Section [53G-7-221](#) by the State Board of Education
404 regarding innovation plans;

405 ~~(s)~~ (t) the annual report described in Section [63A-2-502](#) by the Educational
406 Interpretation and Translation Service Procurement Advisory Council; and

407 ~~(t)~~ (u) the reports described in Section [53F-6-412](#) regarding the Utah Fits All
408 Scholarship Program.

409 (2) In accordance with applicable provisions and Section [68-3-14](#), the following
410 occasional reports are due to the Education Interim Committee:

411 (a) the report described in Section [35A-15-303](#) by the School Readiness Board by
412 November 30, 2020, on benchmarks for certain preschool programs;

413 ~~(b)~~ (b) in 2027, 2030, 2033, and 2035, the reports described in Sections [53B-1-116](#),
414 [53B-1-117](#), and [53B-1-118](#);

415 ~~(b)~~ (c) the report described in Section [53B-28-402](#) by the Utah Board of Higher
416 Education on or before the Education Interim Committee's November 2021 meeting;

417 ~~(c)~~ (d) if required, the report described in Section [53E-4-309](#) by the state board
418 explaining the reasons for changing the grade level specification for the administration of
419 specific assessments;

420 ~~(c)~~ (e) if required, the report described in Section [53E-5-210](#) by the state board of an
421 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;

422 ~~(e)~~ (f) in 2022 and in 2023, on or before November 30, the report described in
423 Subsection [53E-10-309\(5\)](#) related to the PRIME pilot program;

424 ~~(f)~~ (g) the report described in Section [53E-10-702](#) by Utah Leading through Effective,
425 Actionable, and Dynamic Education;

426 ~~(g)~~ (h) if required, the report described in Section [53F-2-513](#) by the state board
427 evaluating the effects of salary bonuses on the recruitment and retention of effective teachers in
428 high poverty schools;

429 ~~(h)~~ (i) the report described in Section [53F-5-210](#) by the state board on the Educational
430 Improvement Opportunities Outside of the Regular School Day Grant Program;

431 [(†)] (j) upon request, a report described in Section 53G-7-222 by an LEA regarding
432 expenditure of a percentage of state restricted funds to support an innovative education
433 program;

434 [(†)] (k) the report described in Section 53G-7-503 by the state board regarding fees
435 that LEAs charge during the 2020-2021 school year;

436 [(†)] (l) the reports described in Section 53G-11-304 by the state board regarding
437 proposed rules and results related to educator exit surveys; and

438 [(†)] (m) the report described in Section 26B-5-113 by the Office of Substance Use and
439 Mental Health, the State Board of Education, and the Department of Health and Human
440 Service regarding recommendations related to Medicaid reimbursement for school-based health
441 services.

442 Section 6. Section 53E-1-202 is amended to read:

443 **53E-1-202. Reports to and action required of the Public Education**
444 **Appropriations Subcommittee.**

445 (1) In accordance with applicable provisions and Section 68-3-14, the following
446 recurring reports are due to the Public Education Appropriations Subcommittee:

447 (a) the State Superintendent's Annual Report by the state board described in Section
448 53E-1-203;

449 (b) the report described in Section 53E-3-1101;

450 [(†)] (c) the report described in Section 53E-10-703 by the Utah Leading through
451 Effective, Actionable, and Dynamic Education director on research and other activities; and

452 [(†)] (d) the report by the STEM Action Center Board described in Section 9-22-109,
453 including the information described in Section 9-22-113 on the status of the computer science
454 initiative.

455 (2) In accordance with applicable provisions, the Public Education Appropriations
456 Subcommittee shall complete, if required, the study described in Section 53F-4-304 of
457 scholarship payments.

458 Section 7. Section 53E-3-1101 is enacted to read:

459 **53E-3-1101. Prohibited discriminatory practices -- Restrictions - Reporting.**

460 (1) As used in this section, "prohibited discriminatory practice" means the same as that
461 term is defined in Section 53B-1-118.

462 (2) The state board may not:

463 (a) establish or maintain an office, division, or employment position established to
464 implement, develop, plan, or promote policies, procedures, practices, programs, or initiatives,
465 regarding prohibited discriminatory practices; or

466 (b) employ or assign an employee or a third-party whose duties for the state board
467 include coordinating, creating, developing, designing, implementing, organizing, planning, or
468 promoting policies, programming, training, practices, activities, and procedures relating to
469 prohibited discriminatory practices.

470 (3) Nothing in this section limits or prohibits the state board's authority to establish
471 policies that are necessary to comply with state or federal law, including laws relating to
472 prohibited discrimination or harassment.

473 (4) The state board shall report to the Education Interim Committee and Public
474 Education Appropriations Subcommittee on the state board's compliance with this section at or
475 before:

476 (a) the Education Interim Committee's November interim committee meeting; and

477 (b) the Public Education Appropriations Subcommittee December interim
478 subcommittee meeting.

479 Section 8. Section **53G-2-103** is enacted to read:

480 **53G-2-103. Prohibition on the use of certain submissions in public education --**

481 **Exceptions.**

482 (1) As used in this section, "prohibited submission" means the same as that term is
483 defined in Section [67-27-105](#).

484 (2) Except as provided in Subsections (4) and (6), an LEA or district school may not
485 require, request, solicit, or compel a prohibited submission as a certification or condition before
486 taking action with respect to:

487 (a) employment, including decisions regarding:

488 (i) hiring;

489 (ii) terms of employment;

490 (iii) benefits;

491 (iv) compensation;

492 (v) seniority status;

- 493 (vi) tenure or continuing status;
494 (vii) promotion;
495 (viii) performance reviews;
496 (ix) transfer;
497 (x) termination; or
498 (xi) appointment;
499 (b) enrollment or graduation from the LEA or district school;
500 (c) participation in LEA- or district school-sponsored programs; or
501 (d) qualification for or receipt of state financial aid or other state financial assistance.
502 (3) An LEA or district school may not grant any form of preferential consideration to
503 an individual who, with or without solicitation from the LEA or district school, provides a
504 prohibited submission for consideration for any action described in Subsection (2).
505 (4) If federal law requires an LEA or district school to accept or require a prohibited
506 submission, the LEA or district school:
507 (a) may accept the prohibited submission only to the extent required under federal law;
508 and
509 (b) shall limit consideration of the information contained in the prohibited submission
510 to the extent necessary to satisfy the requirement under federal law.
511 (5) For a required prohibited submission under Subsection (4), an LEA shall:
512 (a) prepare a report to the local school board detailing the circumstances under which a
513 prohibited submission under Subsection (4) is required; and
514 (b) publish the report described in Subsection (5)(a) on the local school board website
515 in a conspicuous location.
516 (6) Nothing in this section limits or prohibits an LEA's or district school's authority to
517 establish policies that:
518 (a) are necessary to comply with state or federal law, including laws relating to
519 prohibited discrimination or harassment; or
520 (b) require an applicant for employment, tenure, continuing status, or promotion to
521 disclose or discuss the applicant's:
522 (i) teaching record;
523 (ii) artistic creations; or

524 (iii) pedagogical approaches or experiences with students of all learning abilities.

525 (7) The state board shall report to the Education Interim Committee on an LEA's and
526 district school's compliance with this section at or before the Education Interim Committee's
527 November interim committee meeting.

528 (8) An individual may bring a violation of this section to the state board in accordance
529 with the process described in Section [53E-3-401](#).

530 Section 9. Section **53G-2-104** is enacted to read:

531 **53G-2-104. Prohibition on the use of certain training in public education --**

532 **Exceptions.**

533 (1) As used in this section, "prohibited training" means the same as that term is defined
534 in Section [67-25-106](#).

535 (2) An LEA or district school may not require prohibited training.

536 (3) The state board shall report to the Education Interim Committee on an LEA's and
537 district school's compliance with this section at or before the Education Interim Committee's
538 November interim committee meeting.

539 (4) An individual may bring a violation of this section to the state board in accordance
540 with the process described in Section [53E-3-401](#).

541 Section 10. Section **53G-2-105** is enacted to read:

542 **53G-2-105. Prohibited discriminatory practices -- Restrictions - Reporting.**

543 (1) As used in this section, "prohibited discriminatory practice" means the same as that
544 term is defined in Section [53B-1-118](#).

545 (2) An LEA or district school may not engage in prohibited discriminatory practices.

546 (3) Nothing in this section limits or prohibits an LEA or district school from
547 establishing policies that are necessary to comply with state or federal law, including laws
548 relating to prohibited discrimination or harassment.

549 (4) The state board shall report to the Education Interim Committee and the Public
550 Education Appropriations Subcommittee on an LEA's and district school's compliance with
551 this section at or before the Education Interim Committee's November interim committee
552 meeting.

553 (5) An individual may bring a violation of this section to the state board in accordance
554 with the process described in Section [53E-3-401](#).

555 Section 11. Section **67-1-18** is enacted to read:

556 **67-1-18. Oversight of governmental employer compliance.**

557 (1) As used in this section, "governmental employer" means the same as that term is
558 defined in Section [67-27-105](#).

559 (2) The governor shall ensure that a governmental employer complies with the
560 provisions of Sections [67-27-105](#), [67-27-106](#), and [67-27-107](#).

561 Section 12. Section **67-27-105** is enacted to read:

562 **67-27-105. Prohibition on the use of certain submissions by governmental**
563 **employers -- Exceptions.**

564 (1) As used in this section:

565 (a) (i) "Governmental employer" means any department, division, agency, commission,
566 board, council, committee, authority, municipalities, counties, political subdivisions, or any
567 other institution of the state.

568 (ii) "Government employer" does not mean a local education agency, district school, or
569 institution of higher education.

570 (b) (i) "Prohibited submission" means a submission, statement, or document that
571 requires an individual to articulate the individual's position, view, contribution, effort, or
572 experience regarding a policy, program, or initiative that promotes differential treatment based
573 on an individual's personal identity characteristics, as that term is defined in Section
574 [53B-1-118](#).

575 (ii) "Prohibited submission" includes a submission, statement, or document that relates
576 to a policy, program, or initiative regarding:

577 (A) anti-racism;

578 (B) bias;

579 (C) critical race theory;

580 (D) implicit bias;

581 (E) intersectionality;

582 (F) prohibited discriminatory practice, as that term is defined in Section [53B-1-118](#); or

583 (G) racial privilege.

584 (iii) "Prohibited submission" does not include a submission, statement, or document
585 for an employment position if the submission, statement, or document relates to a bona fide

586 occupational qualification for the position.

587 (2) Except as provided in Subsection (4), a governmental employer may not require,
588 request, solicit, or compel a prohibited submission as a certification or condition before taking
589 action with respect to:

590 (a) employment, including decisions regarding:

591 (i) hiring;

592 (ii) terms of employment;

593 (iii) benefits;

594 (iv) compensation;

595 (v) seniority status;

596 (vi) tenure or continuing status;

597 (vii) promotion;

598 (viii) performance reviews;

599 (ix) transfer;

600 (x) termination; or

601 (xi) appointment; or

602 (b) admissions and aid, including:

603 (i) admission to any state program or course;

604 (ii) financial or other forms of state-administered aid or assistance; and

605 (iii) other benefits from the governmental employer for which an individual is eligible.

606 (3) A governmental employer may not grant any form of preferential consideration to
607 an individual who, with or without solicitation from the governmental employer, provides a
608 prohibited submission for any action described in Subsection (2).

609 (4) If federal law requires a governmental employer to accept or require a prohibited
610 submission, the governmental employer:

611 (a) may accept the prohibited submission only to the extent required under federal law;
612 and

613 (b) shall limit consideration of the information contained in the prohibited submission
614 to the extent necessary to satisfy the requirement under federal law.

615 (5) Nothing in this section prohibits a governmental employer from:

616 (a) requiring compliance with state or federal law, including laws relating to prohibited

617 discrimination or harassment; or

618 (b) enforcing state law, including state or federal laws relating to prohibited

619 discrimination or harassment.

620 Section 13. Section **67-27-106** is enacted to read:

621 **67-27-106. Prohibition on the use of certain training by governmental employers**

622 **-- Exceptions.**

623 (1) As used in this section:

624 (a) "Prohibited training" means a mandatory instructional program and related
625 materials that a governmental employer requires the governmental employer's current or
626 prospective employees to attend that promote prohibited discriminatory practices as that term is
627 defined in Section [53B-1-118](#).

628 (b) "Prohibited training" includes an in-person or online seminar, discussion group,
629 workshop, other program, or related materials.

630 (c) "Prohibited training" does not include human resource training for employees that
631 is necessary to comply with state law or federal law.

632 (2) A governmental employer may not require prohibited training.

633 Section 14. Section **67-27-107** is enacted to read:

634 **67-27-107. Prohibited discriminatory practices -- Restrictions -- Reporting.**

635 (1) As used in this section, "prohibited discriminatory practice" means the same as that
636 term is defined in Section [53B-1-118](#).

637 (2) A governmental employer may not:

638 (a) establish or maintain an office, division, or employment position to implement,
639 develop, plan, or promote prohibited discriminatory practices; or

640 (b) employ or assign an employee or a third-party whose duties include coordinating,
641 creating, developing, designing, implementing, organizing, planning, or promoting prohibited
642 discriminatory practices.

643 (3) Nothing in this section limits or prohibits a governmental employer's authority to
644 establish policies that are necessary to comply with state or federal law, including laws relating
645 to prohibited discrimination or harassment.

646 Section 15. **Effective date.**

647 This bill takes effect on July 1, 2024.