

NEUTRALITY IN PUBLIC SCHOOLS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark A. Strong

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires a local education agency (LEA) to create a neutrality policy.

Highlighted Provisions:

This bill:

- ▶ requires an LEA to create a neutrality policy; and
- ▶ describes the required elements for an LEA's neutrality policy.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-10-204, as last amended by Laws of Utah 2022, Chapter 229

ENACTS:

53G-10-206, Utah Code Annotated 1953

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

Section 1. Section **53G-10-204** is amended to read:

53G-10-204. Civic and character education -- Definitions -- Legislative finding -- Elements -- Reporting requirements.



28 (1) As used in this section:

29 (a) "Character education" means reaffirming values and qualities of character which
30 promote an upright and desirable citizenry.

31 (b) "Civic education" means the cultivation of informed, responsible participation in
32 political life by competent citizens committed to the fundamental values and principles of
33 representative democracy in Utah and the United States.

34 (c) "Values" means time-established principles or standards of worth.

35 (2) The Legislature recognizes that:

36 (a) Civic and character education are fundamental elements of the public education
37 system's core mission as originally intended and established under Article X of the Utah
38 Constitution;

39 (b) Civic and character education are fundamental elements of the constitutional
40 responsibility of public education and shall be a continuing emphasis and focus in public
41 schools;

42 (c) the cultivation of a continuing understanding and appreciation of a constitutional
43 republic and principles of representative democracy in Utah and the United States among
44 succeeding generations of educated and responsible citizens is important to the nation and
45 state;

46 (d) the primary responsibility for the education of children within the state resides with
47 their parents and that the role of state and local governments is to support and assist parents in
48 fulfilling that responsibility;

49 (e) public schools fulfill a vital purpose in the preparation of succeeding generations of
50 informed and responsible citizens who are deeply attached to essential democratic values and
51 institutions; and

52 (f) the happiness and security of American society relies upon the public virtue of its
53 citizens which requires a united commitment to a moral social order where self-interests are
54 willingly subordinated to the greater common good.

55 (3) Through an integrated curriculum, students shall be taught in connection with
56 regular school work:

57 (a) honesty, integrity, morality, civility, duty, honor, service, and obedience to law;

58 (b) respect for and an understanding of the Declaration of Independence and the

59 constitutions of the United States and of the state of Utah;

60 (c) Utah history, including territorial and preterritorial development to the present;

61 (d) the essentials and benefits of the free enterprise system;

62 (e) respect for parents, home, and family;

63 (f) the dignity and necessity of honest labor;

64 (g) critical thinking skills; and

65 [~~g~~] (h) other skills, habits, and qualities of character which will promote an upright

66 and desirable citizenry and better prepare students to recognize and accept responsibility for

67 preserving and defending the blessings of liberty inherited from prior generations and secured

68 by the constitution.

69 (4) Local school boards and school administrators may provide training, direction, and

70 encouragement, as needed, to accomplish the intent and requirements of this section and to

71 effectively emphasize civic and character education in the course of regular instruction in the

72 public schools.

73 (5) Civic and character education in public schools are:

74 (a) not intended to be separate programs in need of special funding or added specialists

75 to be accomplished; and

76 (b) core principles which reflect the shared values of the citizens of Utah and the

77 founding principles upon which representative democracy in the United States and the state of

78 Utah are based.

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

80 **53G-10-206. Neutrality in the classroom -- Policy.**

81 (1) "Controversial issue" means a topic that is socially unresolved, generates highly

82 divergent and contentious opinions, or is not age appropriate.

83 (2) On or before September 1, 2023, an LEA shall create a policy ensuring neutrality in

84 a school.

85 (3) An LEA shall develop the neutrality policy with input from the public.

86 (4) An LEA shall review the LEA's neutrality policy annually in an open meeting of the

87 LEA's governing board.

88 (5) In the policy, the LEA shall:

89 (a) establish criteria for maintaining neutrality in the school setting as defined in

- 90 Section 53G-10-103, including neutrality in instruction, decorations, and displays;
91 (b) prohibit an LEA employee from engaging in the following:
92 (i) encouraging a student to develop a prejudice on the basis of race, sex, sexual
93 orientation, gender identity, national origin, political beliefs, or religious doctrine;
94 (ii) advocating for or promoting controversial issues;
95 (iii) asserting a personal belief as fact; or
96 (iv) presenting facts in a biased manner; and
97 (c) establish a process to evaluate whether the controversial issue is appropriate and in
98 accordance with Title 53E, Chapter 4, Part 2, Standards.
99 (6) If an LEA determines that an educator, as defined in Section 53E-6-102, violated
100 the LEA's neutrality policy described in Subsection (5), the LEA shall notify the Utah
101 Professional Practices Advisory Commission of the violation of state board rules enacted in
102 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
103 (7) An LEA may include compliance with the LEA's neutrality policy as part of the
104 LEA's educator evaluation program described by Section 53G-11-507.
105 (8) An LEA may not construe this part to prohibit instruction or a discussion of an
106 event, idea, attitude, or belief.
107 (9) The state board may create a model neutrality policy described in this section.