

Representative Sandra Hollins proposes the following substitute bill:

ETHNIC STUDIES AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Sandra Hollins

LONG TITLE

General Description:

This bill requires ethnic studies in public schools.

Highlighted Provisions:

This bill:

- ▶ requires the State Board of Education to incorporate ethnic studies into the core standards for Utah public schools (core standards);
- ▶ requires a local education agency to:
 - adopt ethnic studies instructional materials and curriculum that align with core standards; and
 - integrate ethnic studies into regular school work for kindergarten through grade 12;
- ▶ creates the Ethnic Studies Commission (commission) to:
 - study the contributions of Utahns of diverse ethnicities; and
 - recommend to the state board how to incorporate ethnic studies into core standards;
- ▶ provides a sunset date for the commission; and
- ▶ defines terms.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **63I-1-263**, as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196,
32 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws
33 of Utah 2021, Chapter 382

34 ENACTS:

35 **53E-4-204.1**, Utah Code Annotated 1953

36 **63C-25-101**, Utah Code Annotated 1953

37 **63C-25-201**, Utah Code Annotated 1953

38 **63C-25-202**, Utah Code Annotated 1953



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

41 Section 1. Section **53E-4-204.1** is enacted to read:

42 **53E-4-204.1. Ethnic studies core standards and curriculum requirements.**

43 (1) As used in this section:

44 (a) "Core standards for Utah public schools" or "core standards" means the standards
45 the state board establishes as described in Section [53E-4-202](#).

46 (b) "Ethnic studies" means the interdisciplinary social and historical study of how
47 different populations have experienced and participated in building the United States of
48 America, including the study of the culture, history, and contributions of Utahns of diverse
49 ethnicities.

50 (c) "Ethnic Studies Commission" means the Ethnic Studies Commission created in
51 Section [63C-25-201](#).

52 (d) "Utahns of diverse ethnicities" means individuals who are residents of Utah and:

53 (i) Native American;

54 (ii) Alaska Native;

55 (iii) Native Hawaiian;

56 (iv) Pacific Islander;

- 57 (v) Hispanic or Latino;
58 (vi) Black or African American;
59 (vii) Asian or Asian American; or
60 (viii) from a diverse backgrounds and experiences.
- 61 (2) (a) The state board shall incorporate ethnic studies into the core standards for Utah
62 public schools.
- 63 (b) Before the state board takes formal action to incorporate ethnic studies into the core
64 standards, the state board shall:
- 65 (i) consult with the Ethnic Studies Commission; and
66 (ii) submit the proposed core standards incorporating ethnic studies to the Ethnic
67 Studies Commission for review and recommendations.
- 68 (3) In incorporating ethnic studies into the core standards, the state board shall
69 consider, at a minimum:
- 70 (a) existing core standards that increase cultural awareness of, and focus on the
71 character traits described in Section [53G-10-204](#) for, all Utah communities;
- 72 (b) opportunities to recognize and incorporate into the ethnic studies core standards the
73 histories, contributions, and perspectives of Utahns of diverse ethnicities; and
- 74 (c) recommendations of the Ethnic Studies Commission.
- 75 (4) Subject to legislative appropriations, the state board shall provide funding for
76 professional learning in ethnic studies for teachers.
- 77 (5) (a) By August 1, 2024, an LEA shall select curriculum and instructional materials
78 for teaching ethnic studies to students in kindergarten through grade 12 that:
- 79 (i) align with the core standards incorporating ethnic studies described in this section;
80 and
- 81 (ii) are integrated with regular school work.
- 82 (b) An LEA shall implement an ethnic studies curriculum that, at a minimum:
- 83 (i) focuses on shared identity and honoring unique cultural differences, including:
- 84 (A) that each individual student has unique characteristics;
85 (B) the common elements that unite Utahns; and
86 (C) respect for distinct socio-cultural identities; and
87 (ii) includes themes including cultural histories within the context of United States

88 history and global history.

89 (c) An LEA shall:

90 (i) modify or revise as needed the ethnic studies instructional materials and curriculum
91 the LEA selects as described in Subsection (5)(a), to ensure alignment with core standards
92 incorporating ethnic studies; and

93 (ii) submit a report to the state board that provides evidence that LEA is complying
94 with the requirements of Subsections (5)(a) and (b).

95 (d) In fulfilling the requirements of this section, an LEA may offer a course on ethnic
96 studies.

97 (6) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
98 Rulemaking Act, make rules:

99 (a) to develop guidelines and methods for LEAs to more fully incorporate ethnic
100 studies into other core standards for Utah public schools courses; and

101 (b) for the report described in Subsection (5)(c).

102 (7) The guidelines and methods described in Subsection (6)(a) may not change:

103 (a) the number of instructional hours required for elementary and secondary students;

104 or

105 (b) the number of instructional hours dedicated to the existing curriculum.

106 Section 2. Section **63C-25-101** is enacted to read:

107 **CHAPTER 25. ETHNIC STUDIES COMMISSION**

108 **Part 1. General Provisions**

109 **63C-25-101. Definitions.**

110 As used in this part:

111 (1) "Commission" means the Ethnic Studies Commission created in Section

112 [63C-25-201](#).

113 (2) "Core standards for Utah public schools" or "core standards" means the standards
114 the state board establishes as described in Section [53E-4-202](#).

115 (3) "Education entity" means:

116 (a) the Utah Board of Higher Education;

117 (b) an institution of higher education, as that term is defined in Section [53B-3-102](#);

118 (c) the state board;

- 119 (d) a local school board;
- 120 (e) a charter school governing board;
- 121 (f) a school district;
- 122 (g) a district school;
- 123 (h) a charter school; or
- 124 (i) the Utah Schools for the Deaf and the Blind.
- 125 (4) "Ethnic studies" means the same as that term is defined in Section [53E-4-204.1](#).
- 126 (5) "State board" means the State Board of Education.
- 127 (6) "Utahns of diverse ethnicities" means the same as that term is defined in Section
- 128 [53E-4-204.1](#).

Section 3. Section **63C-25-201** is enacted to read:

Part 2. Ethnic Studies Commission

63C-25-201. Ethnic Studies Commission created.

(1) There is created the Ethnic Studies Commission to:

(a) consider and review the contributions of Utahns of diverse ethnicities to the state;

and

(b) make recommendations to the state board for incorporating ethnic studies into core standards.

(2) The commission consists of the following members:

(a) five members of the Senate, appointed by the president of the Senate, one of whom the president of the Senate shall designate to serve as co-chair of the commission;

(b) five members of the House of Representatives, appointed by the speaker of the House of Representatives, one of whom the speaker of the House of Representatives shall designate to serve as co-chair of the commission; and

(c) two members appointed by the governor.

(3) (a) A majority of the members of the commission constitutes a quorum of the commission.

(b) The action by a majority of the members of a quorum constitutes the action of the commission.

(4) (a) The salary and expenses of a commission member who is a legislator shall be paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3,

150 Legislator Compensation.

151 (b) A commission member who is not a legislator may not receive compensation or
152 benefits for the member's service on the commission, but may receive per diem and
153 reimbursement for travel expenses incurred as a commission member at the rates established by
154 the Division of Finance under:

155 (i) Sections [63A-3-106](#) and [63A-3-107](#); and

156 (ii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
157 [63A-3-107](#).

158 (5) The state board shall provide staff support to the commission.

159 Section 4. Section **63C-25-202** is enacted to read:

160 **63C-25-202. Ethnic Studies Commission duties.**

161 (1) The commission shall:

162 (a) review the contributions of Utahns of diverse ethnicities in the state;

163 (b) advise the governor, state agencies, and the Legislature regarding issues that impact
164 Utahns of diverse ethnicities;

165 (c) make recommendations for recognizing the contributions of Utahns of diverse
166 ethnicities in the state, including:

167 (i) policy recommendations to the governor; and

168 (ii) recommendations for legislation to the Legislature;

169 (d) review proposed core standards incorporating ethnic studies the state board submits
170 as described in Section [53E-4-204.1](#); and

171 (e) make recommendations to the state board for incorporating ethnic studies into core
172 standards.

173 (2) (a) The commission may establish subcommittees as needed to assist the
174 commission in accomplishing the commission's duties under this section.

175 (b) A subcommittee described in Subsection (2)(a) may include representatives from:

176 (i) community organizations;

177 (ii) education entities; or

178 (iii) the general public.

179 Section 5. Section **63I-1-263** is amended to read:

180 **63I-1-263. Repeal dates, Titles 63A to 63N.**

- 181 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
- 182 (a) Section 63A-16-102 is repealed;
- 183 (b) Section 63A-16-201 is repealed; and
- 184 (c) Section 63A-16-202 is repealed.
- 185 (2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
- 186 improvement funding, is repealed July 1, 2024.
- 187 (3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,
- 188 2023.
- 189 (4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review
- 190 Committee, are repealed July 1, 2023.
- 191 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
- 192 1, 2028.
- 193 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
- 194 2025.
- 195 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
- 196 2024.
- 197 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
- 198 repealed July 1, 2023.
- 199 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
- 200 July 1, 2023.
- 201 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
- 202 repealed July 1, 2026.
- 203 ~~[(11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed~~
- 204 ~~July 1, 2025.]~~
- 205 (11) Title 63C, Chapter 25, Ethnic Studies Commission, is repealed July 1, 2026.
- 206 (12) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities
- 207 Advisory Board, is repealed July 1, 2026.
- 208 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
- 209 2025.
- 210 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
- 211 2024.

- 212 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 213 (16) Subsection 63J-1-602.1(17), Nurse Home Visiting Restricted Account is repealed
214 July 1, 2026.
- 215 (17) (a) Subsection 63J-1-602.1(61), relating to the Utah Statewide Radio System
216 Restricted Account, is repealed July 1, 2022.
- 217 (b) When repealing Subsection 63J-1-602.1(61), the Office of Legislative Research and
218 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
219 necessary changes to subsection numbering and cross references.
- 220 (18) Subsection 63J-1-602.2(5), referring to dedicated credits to the Utah Marriage
221 Commission, is repealed July 1, 2023.
- 222 (19) Subsection 63J-1-602.2(6), referring to the Trip Reduction Program, is repealed
223 July 1, 2022.
- 224 (20) Subsection 63J-1-602.2(24), related to the Utah Seismic Safety Commission, is
225 repealed January 1, 2025.
- 226 (21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is
227 repealed July 1, 2027.
- 228 (22) In relation to the advisory committee created in Subsection 63L-11-305(3), on July
229 1, 2022:
- 230 (a) Subsection 63L-11-305(1)(a), which defines "advisory committee," is repealed; and
231 (b) Subsection 63L-11-305(3), which creates the advisory committee, is repealed.
- 232 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
233 January 1, 2023:
- 234 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
235 repealed;
- 236 (b) Section 63M-7-305, the language that states "council" is replaced with
237 "commission";
- 238 (c) Subsection 63M-7-305(1) is repealed and replaced with:
239 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and
- 240 (d) Subsection 63M-7-305(2) is repealed and replaced with:
241 "(2) The commission shall:
242 (a) provide ongoing oversight of the implementation, functions, and evaluation of the

243 Drug-Related Offenses Reform Act; and

244 (b) coordinate the implementation of Section 77-18-104 and related provisions in
245 Subsections 77-18-103(2)(c) and (d)."

246 (24) The Crime Victim Reparations and Assistance Board, created in Section
247 63M-7-504, is repealed July 1, 2027.

248 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July
249 1, 2022.

250 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.

251 [~~(27)~~ Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating
252 Council, is repealed July 1, 2024.]

253 [~~(28)~~ (27) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

254 [~~(29)~~ (28) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed
255 July 1, 2028.

256 [~~(30)~~ (29) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
257 January 1, 2021.

258 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
259 calendar years beginning on or after January 1, 2021.

260 (c) Notwithstanding Subsection [~~(30)~~ (29)(b), an entity may carry forward a tax credit
261 in accordance with Section 59-9-107 if:

262 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
263 31, 2020; and

264 (ii) the qualified equity investment that is the basis of the tax credit is certified under
265 Section 63N-2-603 on or before December 31, 2023.

266 [~~(31)~~ (30) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is
267 repealed July 1, 2023.

268 [~~(32)~~ (31) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed
269 July 1, 2025.

270 [~~(33)~~ (32) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
271 Program, is repealed January 1, 2028.