LONG TITLE

General Description:

This bill ensures that all instructional materials and classroom instruction are 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 consistent with certain principles;
- prohibits the state board, LEAs, and staff from:
  - allowing the use of instructional materials and classroom instruction that are inconsistent with certain principles; or
  - adopting policies that are inconsistent with certain principles;
    - prohibits the state board and the State Instructional Materials Commission from recommending instructional materials 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:


(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 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:


(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:

(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) Each LEA shall provide an annual assurance to the state board that the LEA's
professional learning, administrative functions, displays, and instructional and curricular materials, are consistent with the following principles of individual freedom:

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

(ii)  the following principles of individual freedom:

(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;

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

(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;

(D)  that meritocracy or character traits, including hard work ethic, are not racist 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).

(3)  The state board or an LEA may not:

(a) attempt to persuade a student or instructional or administrative personnel to a point of view that is inconsistent with the principles described in Subsection (2)(a); or

(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)  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).
(5) The state board and state superintendent may not develop or continue to use core standards under Section 53E-3-301 or professional learning that are inconsistent with the principles described in Subsection (2)(a).

Section 3. Effective date.

This bill takes effect on July 31, 2023.