

SCHOOL POLICY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor: _____

LONG TITLE

General Description:

This bill adds provisions related to educational opportunity.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ adds gender identity to a list of principles related to individual freedom; and
- ▶ requires training and curriculum standards related to educational opportunity.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-10-206, as enacted by Laws of Utah 2023, Chapter 294

ENACTS:

53G-10-701, Utah Code Annotated 1953

53G-10-702, Utah Code Annotated 1953

53G-10-703, Utah Code Annotated 1953

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



28 Section 1. Section **53G-10-206** is amended to read:

29 **53G-10-206. Educational freedom.**

30 (1) As used in this section:

31 (a) (i) "Administrative personnel" means any LEA or state board staff personnel who
32 have system-wide, LEA-wide, or school-wide functions and who perform management
33 activities, including:

34 (A) developing broad policies for LEA or state-level boards; and

35 (B) executing developed policies through the direction of personnel at any level within
36 the state or LEA.

37 (ii) "Administrative personnel" includes state, LEA, or school superintendents,
38 assistant superintendents, deputy superintendents, school principals, assistant principals,
39 directors, executive directors, network directors, cabinet members, subject area directors, grant
40 coordinators, specialty directors, career center directors, educational specialists, technology
41 personnel, technology administrators, and others who perform management activities.

42 (b) (i) "Instructional personnel" means an individual whose function includes the
43 provision of:

44 (A) direct or indirect instructional services to students;

45 (B) direct or indirect support in the learning process of students; or

46 (C) direct or indirect delivery of instruction, training, coaching, evaluation, or
47 professional development to instructional or administrative personnel.

48 (ii) "Instructional personnel" includes:

49 (A) the state board, LEAs, schools, superintendents, boards, administrators,
50 administrative staff, teachers, classroom teachers, facilitators, coaches, proctors, therapists,
51 counselors, student personnel services, librarians, media specialists, associations, affiliations,
52 committees, contractors, vendors, consultants, advisors, outside entities, community
53 volunteers, para-professionals, public-private partners, trainers, mentors, specialists, and staff;
54 or

55 (B) any other employees, officials, government agencies, educational entities, persons,
56 or groups for whom access to students is facilitated through, or not feasible without, the public
57 education system.

58 (2) (a) Each LEA shall provide an annual assurance to the state board that the LEA's

59 professional learning, administrative functions, displays, and instructional and curricular
60 materials, are consistent with the following principles of individual freedom:

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

63 (ii) the following principles of individual freedom:

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

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

68 (C) that no person should be subject to discrimination or adverse treatment solely or
69 partly on the basis of the individual's race, color, national origin, religion, disability, gender
70 identity, sex, or sexual orientation;

71 (D) that meritocracy or character traits, including hard work ethic, are not racist nor
72 associated with or inconsistent with any racial or ethnic group; and

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

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

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

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

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

85 (4) The State Instructional Materials Commission may not recommend to the state
86 board instructional materials under Section [53E-4-403](#) that violate this section or are
87 inconsistent with the principles described in Subsection (2)(a).

88 (5) The state board and state superintendent may not develop or continue to use core
89 standards under Section [53E-3-301](#) or professional learning that are inconsistent with the

90 principles described in Subsection (2)(a).

91 Section 2. Section **53G-10-701** is enacted to read:

92 **Part 7. Educational Opportunity**

93 **53G-10-701. Definitions.**

94 (1) "Classroom instruction" means any course material, unit, class, lesson, activity, or
95 presentation that, as the focus of the discussion, provides instruction or information to a
96 student.

97 (2) "Curriculum" means primary instructional materials that have been approved in
98 accordance with Section [53E-4-202](#).

99 (3) (a) "Educational opportunity" means acknowledging that all students are capable of
100 learning and distributing resources to provide equal opportunities based upon the needs of each
101 individual student.

102 (b) "Educational opportunity" includes providing funding, programs, policies,
103 initiatives, and supports that recognize each student's unique background and school context to
104 guarantee that all students have access to high-quality education.

105 Section 3. Section **53G-10-702** is enacted to read:

106 **53G-10-702. Educational opportunity professional learning.**

107 (1) An LEA shall provide professional learning to educators concerning educational
108 opportunity.

109 (2) The professional learning described in Subsection (1) shall include instruction in:

110 (a) fostering a learning environment and workplace that are safe and respectful of all
111 students and educators;

112 (b) aligning teaching practices with the Utah Professional Learning Standards
113 described in Section [53G-11-303](#);

114 (c) identifying under-performing students in need of supports;

115 (d) acknowledging differences by looking for the good in everyone and showing due
116 regard for feelings, rights, cultures, and traditions;

117 (e) collaborating with various community members to understand, recognize, and
118 appreciate what humans have in common, including acknowledging different cultures,
119 languages, traditions, values, needs, and lived experiences;

120 (f) ensuring all students and educators are welcomed in a learning environment

121 regardless of culture, language, tradition, or values;

122 (g) demonstrating role model responsibilities through the examination of various
123 counterpoints to a topic in an impartial manner;

124 (h) creating opportunities to recognize personal responsibility in contributing to
125 conditions that preserve the rights of all individuals and to avoid the repetition of past harmful
126 actions by individuals and groups;

127 (i) defending intellectual honesty including freedom of inquiry, speech, and
128 association; and

129 (j) cultivating supportive conditions that focus on learning and removing barriers to
130 allow students to have accessible pathways to resources and opportunities.

131 (3) The professional learning provided by an LEA shall comply with all state and
132 federal laws.

133 (4) (a) Upon request, the content of professional learning provided by an LEA shall be
134 made freely available by the LEA to a parent with a student in the LEA within a reasonable
135 amount of time before or after the training is offered.

136 (b) When responding to a request described in Subsection (4)(a), an LEA shall provide
137 a compliance rubric showing how the professional learning and material adhere to the
138 requirements of this section.

139 (5) The professional learning described in Subsection (4) does not include coaching or
140 remediation sessions for a specific educator.

141 Section 4. Section **53G-10-703** is enacted to read:

142 **53G-10-703. Educational opportunity curriculum standards.**

143 (1) An LEA may only provide curriculum and classroom instruction that includes
144 concepts as described in Section [53G-10-702](#):

145 (a) in accordance with state and federal law;

146 (b) in alignment with the standards approved by the board; and

147 (c) that contains age-appropriate content for the developmental age of the student.

148 (2) If an LEA provides curriculum that includes concepts as described in Section
149 [53G-10-702](#), the curriculum shall:

150 (a) be approved in an open and regular public meeting of the LEA's governing board;

151 and

152 (b) as applicable, contain content in accordance with the professional learning
153 guidelines and requirements described in Section [53G-10-702](#).

154 (3) For complaints regarding curriculum, an LEA shall create a formal complaint
155 process that complies with board rule.

156 **Section 5. Effective date.**

157 This bill takes effect on May 1, 2024.