

**SCHOOL GENDER IDENTITY POLICIES**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

House Sponsor: Stephanie Gricius

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**LONG TITLE**

**General Description:**

This bill enacts provisions ensuring a parent's access to information related to a parent's child, including gender identity.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires each school and each local governing board to ensure a parent's right to access the education record of the parent's child; and
- ▶ prohibits a school or local education agency from prohibiting a parent's access to the education record of the parent's child.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

ENACTS:

**53E-9-205**, Utah Code Annotated 1953

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

Section 1. Section **53E-9-205** is enacted to read:

**53E-9-205. Parental right to student information.**

29           (1) As used in this section:  
30           (a) "Education record" means the same as that term is defined in Section 53E-9-204.  
31           (b) "Gender identity" means the same as that term is defined in Section 34A-5-102.  
32           (c) "Parent" means a parent or legal guardian with legal custody of the child in  
33 question.  
34           (d) "Sex" means the biological, physical condition of being male or female, determined  
35 by an individual's genetics and anatomy at birth.  
36           (2) In accordance with Section 53E-2-201, each school and each local governing board  
37 shall ensure that no policy or action of the school or LEA:  
38           (a) except as provided in Subsection 53E-9-203(6), operates to shield a student's  
39 education record from the student's parent; and  
40           (b) interferes with a parent's:  
41           (i) fundamental parental right and primary responsibility to direct the education of the  
42 parent's child; and  
43           (ii) freedom of access to information regarding the parent's child.  
44           (3) Notwithstanding any other provision of law, a school or LEA may not:  
45           (a) prohibit a parent of a child from accessing the child's education record; or  
46           (b) without written parental consent make changes to a student's education record  
47 regarding a student's gender identity that does not conform with the student's sex.  
48           Section 2. **Effective date.**  
49           If approved by two-thirds of all the members elected to each house, this bill takes effect  
50 upon approval by the governor, or the day following the constitutional time limit of Utah  
51 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
52 the date of veto override.