

1 **Public Employee Gender-specific Language Requirements**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nicholeen P. Peck

Senate Sponsor: Daniel McCay

2
3 **LONG TITLE**

4 **General Description:**

5 This bill prohibits certain employment action against a public employee.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ prohibits the State Board of Education, a local education agency, or a public employer
9 from taking disciplinary action against an employee for using gender-specific language

10 in certain circumstances;

11 ▶ requires a public employer that has a rule or policy requiring an employee to use
12 gender-specific language to accommodate another individual to exempt the employee
13 from disciplinary action in certain circumstances; and

14 ▶ makes technical changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides a special effective date.

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **53G-10-206**, as last amended by Laws of Utah 2024, Chapter 507

22 ENACTS:

23 **67-21-3.3**, Utah Code Annotated 1953

24
25 *Be it enacted by the Legislature of the state of Utah:*

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

27 **53G-10-206 . Educational freedom.**

28 (1) As used in this section:

29 (a)(i) "Administrative personnel" means any LEA or state board staff personnel who
30 have system-wide, LEA-wide, or school-wide functions and who perform

- 31 management activities, including:
- 32 (A) developing broad policies for LEA or state-level boards; and
- 33 (B) executing developed policies through the direction of personnel at any level
- 34 within the state or LEA.
- 35 (ii) "Administrative personnel" includes state, LEA, or school superintendents,
- 36 assistant superintendents, deputy superintendents, school principals, assistant
- 37 principals, directors, executive directors, network directors, cabinet members,
- 38 subject area directors, grant coordinators, specialty directors, career center
- 39 directors, educational specialists, technology personnel, technology
- 40 administrators, and others who perform management activities.
- 41 (b)(i) "Instructional personnel" means an individual whose function includes the
- 42 provision of:
- 43 (A) direct or indirect instructional services to students;
- 44 (B) direct or indirect support in the learning process of students; or
- 45 (C) direct or indirect delivery of instruction, training, coaching, evaluation, or
- 46 professional development to instructional or administrative personnel.
- 47 (ii) "Instructional personnel" includes:
- 48 (A) the state board, LEAs, schools, superintendents, boards, administrators,
- 49 administrative staff, teachers, classroom teachers, facilitators, coaches,
- 50 proctors, therapists, counselors, student personnel services, librarians, media
- 51 specialists, associations, affiliations, committees, contractors, vendors,
- 52 consultants, advisors, outside entities, community volunteers,
- 53 para-professionals, public-private partners, trainers, mentors, specialists, and
- 54 staff; or
- 55 (B) any other employees, officials, government agencies, educational entities,
- 56 persons, or groups for whom access to students is facilitated through, or not
- 57 feasible without, the public 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
- 60 curricular materials, are consistent with the following principles of individual
- 61 freedom:
- 62 (i) the principle that all individuals are equal before the law and have unalienable
- 63 rights; and
- 64 (ii) the following principles of individual freedom:

- 65 (A) that no individual is inherently racist, sexist, or oppressive, whether
 66 consciously or unconsciously, solely by virtue of the individual's race, sex, or
 67 sexual orientation;
- 68 (B) that no race is inherently superior or inferior to another race;
- 69 (C) that no person should be subject to discrimination or adverse treatment solely
 70 or partly on the basis of the individual's race, color, national origin, religion,
 71 disability, sex, or sexual orientation;
- 72 (D) that meritocracy or character traits, including hard work ethic, are not racist
 73 nor associated with or inconsistent with any racial or ethnic group; and
- 74 (E) that an individual, by virtue of the individual's race or sex, does not bear
 75 responsibility for actions that other members of the same race or sex
 76 committed in the past or present.
- 77 (b) Nothing in this section prohibits instruction regarding race, color, national origin,
 78 religion, disability, or sex in a manner that is consistent with the principles described
 79 in Subsection (2)(a).
- 80 (3) The state board or an LEA may not:
- 81 (a) attempt to persuade a student or instructional or administrative personnel to a point
 82 of view that is inconsistent with the principles described in Subsection (2)(a); [øf]
- 83 (b) implement policies or programs, or allow instructional personnel or administrative
 84 personnel to implement policies or programs, with content that is inconsistent with
 85 the principles described in Subsection (2)(a)[-]; or
- 86 (c) pursue disciplinary action against an individual who is instructional personnel or
 87 administrative personnel solely because the individual, in relation to a student,
 88 referred to the student by:
- 89 (i) in good faith, the student's birth name, biological \hat{H} → [gender] sex ← \hat{H} , or a pronoun or
 90 other
 91 gender-specific language related to the student's biological \hat{H} → [gender] sex ← \hat{H} ; or
 92 (ii) the name, pronoun, or gender-specific language the student's parent prefers.
- 93 (4) The state board and state superintendent may not develop or continue to use core
 94 standards under Section 53E-3-301 or professional learning that are inconsistent with the
 95 principles described in Subsection (2)(a).
- 96 Section 2. Section **67-21-3.3** is enacted to read:
- 97 **67-21-3.3 . Gender-specific language preference -- Employer action.**
- (1) An employer may not pursue disciplinary action against an employee solely because the

98 employee $\hat{H} \rightarrow [;]$,
99 ~~[(a)]~~ $\leftarrow \hat{H}$ in good faith, uses a pronoun or other gender-specific language in relation to
99a another
100 individual that conflicts with the individual's personal gender-specific language
101 preference $\hat{H} \rightarrow [; \text{or}]$.
102 ~~[(b) because of the employee's sincerely held religious or moral belief, uses a pronoun or~~
103 ~~other gender-specific language in relation to another individual that conflicts with the~~
104 ~~individual's personal gender-specific language preference.]~~ $\leftarrow \hat{H}$
105 (2) If an employer implements a rule or policy that requires an employee to use
106 gender-specific language to accommodate another individual's personal gender-specific
107 language preference, the employer shall:
108 (a) ensure that the rule or policy exempts from disciplinary action an employee
109 described in Subsection (1); and
110 (b) notify employees in writing of the exemptions described in this section.
111 Section 3. **Effective Date.**
112 This bill takes effect on July 1, 2025.